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OFFICE OF THE FEDERAL REGISTER



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# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 581

RIN 3206-AO78

### Updates to Agents Designated To Accept Legal Process

**AGENCY:** Office of Personnel Management (OPM).

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management (OPM) is responsible for the rules for processing garnishment orders for child support and/or alimony and the rules for processing commercial garnishment orders. This rule updates the address for the Interior Business Center, which serves as the agent for service of process for many agencies. The rule also adds an agent for the Defense Nuclear Facilities Safety Board and the U.S. Election Assistance Commission to the list of agents designated to accept legal process.

**DATES:** Effective Date: July 22, 2026.

**FOR FURTHER INFORMATION CONTACT:** Laura Barhydt, Office of the General Counsel, Office of Personnel Management, 1900 E St. NW, Washington, DC 20415, (202) 606-1700.

**SUPPLEMENTARY INFORMATION:** The rules for processing garnishment orders for child support and/or alimony are codified in 5 CFR part 581. The rules for processing commercial garnishment orders are codified in 5 CFR part 582. Appendix A to part 581 lists the agent designated by each agency for service of legal process. For most agencies, service under the part 582 regulations must be served on the same agent listed in appendix A to part 581.

The Defense Nuclear Facilities Safety Board (DNFSB) advised OPM that it has changed its agent designated to receive legal process under 5 CFR parts 581 and 582. OPM determined that the DNFSB was not included in the list of agencies in appendix A to part 581. Accordingly,

this rule updates the lists of agents in 5 CFR part 581, appendix A, by adding the DNFSB and its designated agent. This designation also applies to the regulations under part 582.

The U.S. Election Assistance Commission (EAC) advised OPM that it has changed its agent designated to receive legal process under 5 CFR parts 581 and 582. OPM determined that the EAC was not included in the list of agencies in appendix A to part 581. Accordingly, this rule updates the lists of agents in 5 CFR part 581, appendix A, by adding the EAC and its designated agent. This designation also applies to the regulations under part 582.

The Interior Business Center (IBC) advised OPM that its address for receipt of service of process has changed. For agencies currently identified in the regulations as receiving processing services from the IBC, OPM is updating the contact information to the new address.

### Waiver of Notice and Comment

Publication of this rule for comment under the Administrative Procedure Act is unnecessary and impractical because this is an administrative change to reflect agency operations for receipt of legal process.

### Expected Impact of This Rule

Section 581.201 requires agencies to submit to OPM's Office of General Counsel the agents designated to accept service of process. This information is provided in appendix A to part 581, and OPM updates this list through rulemaking when agencies submit changes to their designated agents. The DNFSB and the U.S. Election Assistance Commission each provided the name and address of the designated agent for addition to appendix A of 5 CFR 581. The designation of agent also applies to the regulations under part 582. This rule implements these minor, administrative amendments to the appendix and does not impose any new requirements on agencies. In addition, the IBC, which receives process for many agencies, has a new address. Updating the regulations to reflect the correct address allows the public to serve process on Federal agencies efficiently. There are no alternatives to this rule.

## Procedural Requirements

### Regulatory Review

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. In accordance with the provisions of Executive Order 12866, this rule is not a significant rule and was not reviewed by OMB. This rule is not an E.O. 14192 action because it is not significant under E.O. 12866.

### Regulatory Flexibility Act

OPM certifies that this rule will not have a significant economic impact on a substantial number of small entities as this rule only changes an address for service of process.

### Unfunded Mandate Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits before issuing any rule that would impose spending costs on State, local, or tribal governments in the aggregate, or on the private sector, in any 1 year of \$100 million in 1995 dollars, updated annually for inflation. That threshold is currently approximately \$206 million. This rulemaking will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, in excess of the threshold. Thus, no written assessment of unfunded mandates is required.

### Federalism

OPM has examined this rule in accordance with Executive Order 13132, Federalism, and has determined that this rule will not have any negative impact on the rights, roles, and responsibilities of State, local, or tribal governments.

### Civil Justice Reform

This regulation meets the applicable standard set forth in Executive Order 12988.

Congressional Review Act

OMB's Office of Information and Regulatory Affairs has determined this rule does not satisfy the criteria listed in 5 U.S.C. 804(2).

Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 5 CFR Part 581

Alimony, Child support, Claims, Government employees, Wages.

Signing Statement

The Director of OPM, Scott Kupor, reviewed and approved this document and has authorized the undersigned to electronically sign and submit this document to the Office of the Federal Register for publication.

U.S. Office of Personnel Management.

Jerson Matias,

Federal Register Liaison.

For the reasons set forth in the preamble, the Office of Personnel Management amends 5 CFR part 581 as follows:

PART 581—PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

■ 1. The authority citation for part 581 is revised to read as follows:

**Authority:** 42 U.S.C. 659; 15 U.S.C. 1673; E.O. 12105, 43 FR 59465, 3 CFR, 1978 Comp., p. 262. Secs. 581.102 and 581.306 also issued under 5 U.S.C. 8336a and 8412a.

■ 2. Amend appendix A to part 581 by:  
■ a. In section I, revising the entries for the “Department of the Interior”, “Federal Aviation Administration” under the heading “Department of Transportation”, and “Social Security Administration”; and  
■ b. In section II,

■ i. Revising the entry for “Council of the Inspectors General on Integrity and Efficiency”;  
■ ii. Adding entries for “The Defense Nuclear Facilities Safety Board”, and “U.S. Election Assistance Commission”;  
■ iii. Revising the entries for “Environmental Protection Agency”, “Federal Trade Commission”, “Harry S. Truman Scholarship Foundation”, “National Aeronautics and Space Administration”, “Presidio Trust”, and “Trade and Development Agency”.

The revisions and additions read as follows:

Appendix A to Part 581—List of Agents Designated To Accept Legal Process

\* \* \* \* \*

I. \* \* \*

Department of the Interior

U.S. Department of the Interior, Interior Business Center, Attn: Debt Management Branch, D–2640, P.O. Box 25365, Denver, CO 80225; (303) 969–7739.

\* \* \* \* \*

Department of Transportation

\* \* \* \* \*

Federal Aviation Administration

U.S. Department of the Interior, Interior Business Center, Attn: Debt Management Branch, D–2640, P.O. Box 25365, Denver, CO 80225; (303) 969–7739.

\* \* \* \* \*

Social Security Administration

1. For the garnishment of the remuneration of employees: U.S. Department of the Interior, Interior Business Center, Attn: Debt Management Branch, D–2640, P.O. Box 25365, Denver, CO 80225; (303) 969–7739.

2. \* \* \*

II. \* \* \*

Council of the Inspectors General on Integrity and Efficiency

U.S. Department of the Interior, Interior Business Center, Attn: Debt Management Branch, D–2640, P.O. Box 25365, Denver, CO 80225; (303) 969–7739.

The Defense Nuclear Facilities Safety Board

U.S. Department of the Interior, Interior Business Center, Attn: Debt Management Branch, D–2640, P.O. Box 25365, Denver, CO 80225; (303) 969–7739.

U.S. Election Assistance Commission

U.S. Department of the Interior, Interior Business Center, Attn: Debt Management Branch, D–2640, P.O. Box 25365, Denver, CO 80225; (303) 969–7739.

Environmental Protection Agency

U.S. Department of the Interior, Interior Business Center, Attn: Debt Management Branch, D–2640, P.O. Box 25365, Denver, CO 80225; (303) 969–7739.

\* \* \* \* \*

Federal Trade Commission

U.S. Department of the Interior, Interior Business Center, Attn: Debt Management Branch, D–2640, P.O. Box 25365, Denver, CO 80225; (303) 969–7739.

\* \* \* \* \*

Harry S. Truman Scholarship Foundation

U.S. Department of the Interior, Interior Business Center, Attn: Debt Management Branch, D–2640, P.O. Box 25365, Denver, CO 80225; (303) 969–7739.

\* \* \* \* \*

National Aeronautics and Space Administration

U.S. Department of the Interior, Interior Business Center, Attn: Debt Management Branch, D–2640, P.O. Box 25365, Denver, CO 80225; (303) 969–7739.

\* \* \* \* \*

Presidio Trust

U.S. Department of the Interior, Interior Business Center, Attn: Debt Management Branch, D–2640, P.O. Box 25365, Denver, CO 80225; (303) 969–7739.

\* \* \* \* \*

Trade and Development Agency

U.S. Department of the Interior, Interior Business Center, Attn: Debt Management Branch, D–2640, P.O. Box 25365, Denver, CO 80225; (303) 969–7739.

\* \* \* \* \*

[FR Doc. 2026–14753 Filed 7–21–26; 8:45 am]

BILLING CODE 6325–48–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

[Docket No. CPSC–2026–0298]

Revocation of Obsolete Rules Regarding Infant Bouncer Seats and Stationary Activity Centers

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Direct final rule.

**SUMMARY:** The U.S. Consumer Product Safety Commission (Commission or CPSC) is reviewing its regulations to reduce regulatory burdens and costs. Pursuant to this review, CPSC has identified two rules concerning infant bouncer seats and stationary activity centers that are now obsolete because those products are subject to newer, more comprehensive mandatory safety standards issued by the Commission. This direct final rule removes the obsolete provisions to eliminate unnecessary duplication and improves regulatory clarity for manufacturers, testing laboratories, regulators, and the public. This action does not eliminate or reduce any mandatory federal safety standard applicable to infant bouncer seats or stationary activity centers. Both product categories will remain subject to the Commission’s mandatory safety standards.

**DATES:** The rule is effective on September 21, 2026, unless the Commission receives a significant adverse comment by August 21, 2026. If the Commission receives such a comment, it will publish a notification in the **Federal Register**, withdrawing this direct final rule before its effective date.

**ADDRESSES:** You can submit comments, identified by Docket No. CPSC–2026–0298, by any of the following methods:

**Electronic Submissions:** Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. CPSC typically does not accept comments submitted by email, except as described below.

**Mail/Hand Delivery/Courier/Confidential Written Submissions:** CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal. You may, however, submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504-7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov).

**Instructions:** All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. Do not submit to this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier/confidential written submissions.

**Docket:** For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>, and insert the docket number, CPSC-2026-0298, into the "Search" box, and follow the prompts.

**FOR FURTHER INFORMATION CONTACT:**

Joseph Williams, Compliance Officer, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504-7585; email: [jfwilliams@cpsc.gov](mailto:jfwilliams@cpsc.gov); or Daniel Taxier, Project Manager, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: (301) 987-2211; email: [dtaxier@cpsc.gov](mailto:dtaxier@cpsc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Executive Order 14192, "Unleashing Prosperity Through Deregulation" (E.O. 14192) states the policy of the executive branch "to alleviate unnecessary regulatory burdens placed on the

American people." 90 FR 9065, Feb. 6, 2025; signed Jan. 31, 2025. In accordance with E.O. 14192, the Commission is reviewing its regulations to reduce regulatory burdens and costs. Pursuant to this review, CPSC has identified two outdated provisions promulgated in 1971 in 16 CFR 1500.18(a)(6) and 1500.86(a)(4) applicable to infant bouncer seats and stationary activity centers. The Commission promulgated new safety standards for both product categories in 2017 and 2019, 82 FR 43470 and 84 FR 28211, but the obsolete requirements issued in 1971 also remain in the Code of Federal Regulations (CFR).

This action advances the Administration's regulatory reform objectives by eliminating duplicative requirements that no longer provide independent safety benefits while preserving mandatory safety standards applicable to these products. This action removes duplicative regulatory provisions that have been superseded by later mandatory safety standards. It does not rescind or modify the mandatory safety standards applicable to infant bouncer seats or stationary activity centers. Removing these provisions from the CFR will streamline title 16 and increase clarity for regulated entities and the public. The changes to the CFR in this rule will have no impact on safety because infant bouncer seats and stationary activity centers remain subject to the mandatory safety standards for these products at 16 CFR parts 1229 and 1238.

**A. CPSC's Federal Hazardous Substances Act Regulation for Baby-Bouncers**

CPSC regulations at 16 CFR 1500.18(a)(6) and 1500.86(a)(4) ban any "baby-bouncer" or "walker-jumper" and any other similar article" (referred to below as "baby-bouncers") that does not meet specified safety criteria. The Food and Drug Administration (FDA) issued these regulations in 1971 under the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261-1278. 36 FR 21809 (Nov. 16, 1971). On May 14, 1973, the functions under the FHSA were transferred from the FDA to the then newly-created CPSC. Specifically, 16 CFR 1500.18(a)(6) bans baby-bouncers and "any other similar article" that are intended to support very young children while "sitting, walking, bouncing, jumping, and/or reclining, and which because of its design has any exposed parts capable of causing amputation, crushing, lacerations, fractures, hematomas, bruises, or other injuries to fingers, toes, or other parts of the anatomy of young children." The

regulation describes the hazardous design features of such articles warranting the ban as including, but not being limited to, one or more of the following:

- Areas about the point on each side of the article where the frame components are joined together to form an X-shape capable of producing a scissoring, shearing, or pinching effect;
- Other areas where two or more parts are joined in such a manner as to permit rotational movement capable of exerting a scissoring, shearing, or pinching effect;
- Exposed coil springs which may expand sufficiently to allow an infant's finger, toe, or other body part to be inserted, in whole or in part, and injured by being caught between the coils of the spring or between the spring and another part of the article;
- Holes in plates or tubes that could allow insertion of a finger, toe, or other part of the anatomy that could then be injured by the movement of another part of the article; or
- A design and construction that permits accidental collapse while in use.

Exemptions to the ban can be found at 16 CFR 1500.86(a)(4). These include any baby-bouncer where:

- The frames are designed and constructed in a manner to prevent injury from any scissoring, shearing, or pinching when the members of the frame or other components rotate about a common axis or fastening point or otherwise move relative to one another;
- Any coil springs which expand when the article is subjected to a force that will extend the spring to its maximum distance so that a space between successive coils is greater than one-eighth inch (0.125 inch) are covered or otherwise designed to prevent injuries;
- All holes larger than one-eighth inch (0.125 inch) in diameter, and slots, cracks, or hinged components in any portion of the article through which a child could insert, in whole or in part, a finger, toe, or any other part of the anatomy, are guarded or otherwise designed to prevent injuries;
- The articles are designed and constructed to prevent accidental collapse while in use; and
- The articles are designed and constructed in a manner that eliminates from any portion of the article the possibility of presenting a mechanical hazard through pinching, bruising, lacerating, crushing, breaking, amputating, or otherwise injuring portions of the human body when in normal use or when subjected to reasonably foreseeable damage or abuse.

The existing regulations do not include any requirements specifically pertaining to hazards associated with falls from elevated surfaces, structural integrity, occupant retention, or loading/stability issues.

As discussed above, the regulations at 16 CFR 1500.18(a)(6) and 1500.86(a) apply to any “baby-bouncer,” “walker-jumper,” and “any other similar article.” The regulations do not define those terms, and when FDA promulgated those regulations in 1971, it expressly rejected comments that sought a description of the regulated articles. In the preamble to the final rule that appeared in the **Federal Register** of November 16, 1971 (36 FR 21809), FDA stated that the term “baby-bouncers” is “used both by industry and the general public” and revised the phrase, “and similar articles,” to “and any other similar article” to clarify the regulations’ purpose “to include within their scope all articles conforming to the descriptions in the regulations whether or not they are called by those specific names.”

#### *B. Statutory Changes Affecting FHSA Baby Bouncers Regulation*

The Consumer Product Safety Improvement Act of 2008 (CPSIA), directs the Commission to take a number of actions concerning “durable infant or toddler products.” Section 104(f) of the CPSIA defines a durable infant or toddler product as a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years. This category includes a broad range of products such as cribs, toddler beds, high chairs, booster chairs, hook-on chairs, bath seats, gates and other enclosures for confining a child, play yards, stationary activity centers, infant carriers, strollers, walkers, swings, bassinets, and cradles. Section 104(b) of the CPSIA provides, in part, that the Commission shall, in consultation with

representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of any voluntary consumer product safety standards for durable infant or toddler products. The Commission also is directed to promulgate consumer product safety standards that are substantially the same as such voluntary standards or that are more stringent than such voluntary standards if the Commission determines that more stringent standards would further reduce the risk of injury associated with the products.

In 2010, the Commission revoked its existing regulations pertaining to baby-walkers in 16 CFR 1500.18(a)(6) and 1500.86(a)(4) because those regulations were replaced by new and more comprehensive safety standard applicable to baby-walkers (16 CFR part 1216, “Safety Standard for Infant Walkers”) issued under section 104 of the CPSIA. 75 FR 35266, 35279 (June 21, 2010). Since 2010, the Commission has issued new and more comprehensive safety standards for infant bouncer seats and stationary activity centers under section 104 of the CPSIA. In 2017, the Commission published a final rule for a safety standard for infant bouncer seats (16 CFR part 1229, “Safety Standard for Infant Bouncer Seats”). 82 FR 43470 (Sep. 18, 2017). In 2019, the Commission published a final rule for a safety standard for stationary activity centers (16 CFR part 1238, “Safety Standard for Stationary Activity Centers”). 84 FR 28205 (June 18, 2019). Both safety standards are discussed in further detail below.

## **II. Mandatory Regulation of Infant Bouncer Seats and Stationary Activity Centers**

### *A. Infant Bouncer Seats Rule*

Under section 104(b)(1) of the CPSIA, the Commission issued a final rule for

infant bouncer seats, codified at 16 CFR part 1229. The final rule incorporated by reference the then-current ASTM F2167–17, *Standard Consumer Safety Specification for Infant Bouncer Seats*, with two modifications related to warning label content and placement to make the standard more stringent and further reduce the risk of injury to infants that fall either out of, or with (e.g., while secured to), bouncer seats, especially bouncer seats that are placed on an elevated surface. ASTM has subsequently revised the voluntary standard four times and notified the Commission of each update. In accordance with the procedures set out in section 104(b)(4)(B) of the CPSIA, these revised standards became the new mandatory standard for infant bouncer seats. In September 2022, the Commission revised the mandatory standard to incorporate by reference ASTM F2167–22, which is the current mandatory standard for infant bouncer seats. 87 FR 54362 (Sep. 6, 2022).

An “infant bouncer seat” is defined in the scope section 1.2 of ASTM F2167–22 as “a freestanding product intended to support an occupant in a reclined position to facilitate bouncing by the occupant, with the aid of a caregiver or by other means” and “whose intended occupants are infants who have not developed the ability to sit up unassisted (approximately 0 to 6 months of age).” Bouncer seats vary in design, from a wire frame construction model with a fabric cover, a toy bar and a three point restraint, to more complex designs with additional features, such as battery-powered devices that vibrate and play melodies and nature sounds (Figure 1).



**Figure 1 – Example Infant Bouncer Seats**

ASTM F2167 is intended to minimize the risk of injury or death to infants in bouncer seats associated with falls from elevated surfaces, product disassembly or collapse, stability, and suffocation. ASTM F2167 also addresses the hazards described in 16 CFR 1500.18(a)(6). Specifically:

- Section 5.6 addresses scissoring, shearing and pinching;
- Section 5.8 addresses exposed coil springs;
- Section 5.7 addresses holes or openings; and
- Section 5.5 addresses latching or locking mechanisms to prevent accidental collapse.

#### *B. Stationary Activity Centers Rule*

Under section 104 of the CPSIA, the Commission issued a final rule for stationary activity centers, codified in 16 CFR part 1238. The rule incorporated by reference ASTM F2012–18<sup>e1</sup>, *Standard Consumer Safety Performance Specification for Stationary Activity Centers*. ASTM subsequently revised the voluntary standard in March 2025, and the Commission revised the mandatory standard to incorporate by reference ASTM F2012–24, which is the current mandatory standard for stationary activity centers. 90 FR 13833 (March 27, 2025).<sup>1</sup>

Stationary activity centers are intended for children who are not yet able to walk but are able to hold up their heads unassisted. Stationary activity

centers vary in style and design complexity but typically consist of a seat that is suspended from a frame by springs or supported from the bottom by a fixed base. ASTM F2012 section 3.1.12 defines a stationary activity center as “a freestanding product intended to remain stationary that enables a sitting or standing occupant whose torso is completely surrounded by the product to walk, rock, play, spin or bounce, or all of these, within a limited range of motion.” ASTM F2012 also defines three types of stationary activity centers: Closed-base stationary activity centers, open-base stationary activity centers, and spring-supported stationary activity centers. Examples of each type are shown in Figure 2.

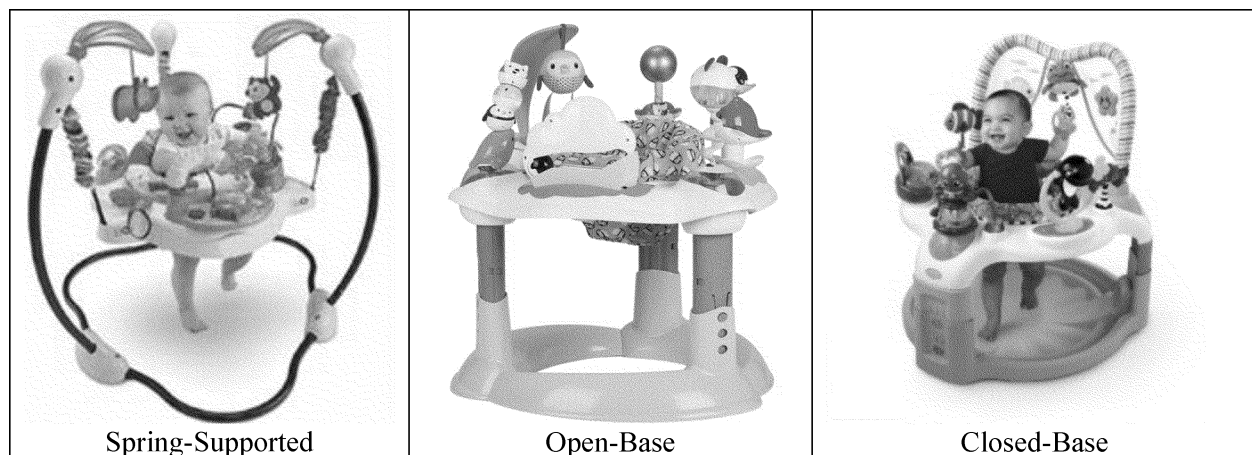


**Figure 2 – Example Stationary Activity Centers**

ASTM F2012 is intended to minimize the risk of injury or death to children using stationary activity centers associated with seat strength, product

tip-over, openings for finger entrapment, and small parts. The voluntary standard addresses the hazards described in 16 CFR 1500.18(a)(6). Specifically:

- Section 5.6 addresses scissoring, shearing and pinching;
- Section 5.7 addresses exposed coil springs;

<sup>1</sup> The current version of the voluntary standard, ASTM F2012–24<sup>e1</sup>, includes editorial revisions to

example warning labels. ASTM did not notify CPSC about this editorial update under CPSIA section

104(b)(4)(B), 15 U.S.C. 2056a(b)(4)(B), so ASTM F2012–24 remains the current mandatory standard.

- Section 5.5 addresses holes or openings; and
- Section 5.4 addresses latching or locking mechanisms to prevent accidental collapse or folding; and
- Section 5.11 addresses the risk of accidental collapse when the springs fail on a spring-supported stationary activity center.

*C. Justification for Removing Infant Bouncer Seats and Stationary Activity Centers From the Scope of 16 CFR 1500.18(a)(6)*

As described earlier in this preamble, 16 CFR 1500.18(a)(6) describes the features of baby-bouncers subject to that rule, including any subject product that has any exposed parts capable of causing amputation, crushing, lacerations, fractures, hematomas, bruises, or other injuries to fingers, toes, or other parts of the anatomy of young children. Section 1500.86(a)(4) describes the requirements for baby bouncers, including provisions pertaining to scissoring shearing and pinching; exposed coil springs; holes or openings; and accidental collapse. The ASTM standards incorporated by reference in parts 1229 and 1238 similarly contain provisions pertaining to scissoring shearing and pinching; exposed coil springs; holes or openings; and accidental collapse that are more specific than the requirements in section 1500.86(a)(4), and that can be evaluated in a repeatable and reproducible manner. Furthermore, the requirements in the ASTM standards are based on anthropometric data developed for the CPSC by the University of Michigan in 1975.<sup>2</sup> This data set sampled body measurements of children from 2 weeks to 13 years of age. Below is a more detailed staff assessment of how the ASTM standards adequately address the hazards 16 CFR 1500.86(a)(4) is intended to address.

#### 1. Scissoring, Shearing, and Pinching

The requirement in section 1500.86(a)(4)(i) states that frames must be designed and constructed in a manner to prevent injury from any scissoring, shearing, or pinching when the members of the frame or other components rotate or move relative to one another. The ASTM standards include a similar requirement, but add the specific requirement that scissoring,

shearing, or pinching shall not be permissible when the edges of the rigid parts admit a probe greater than 0.210 in. (5.33 mm) and less than 0.375 in. (9.53 mm) diameter at any accessible point throughout the range of motion of such parts (ASTM F2167 section 5.6 and ASTM F2012 section 5.6). The intent of this requirement is to not allow fingers access to scissoring, shearing, or pinching hazards by making openings between components either too small for the smallest user to penetrate with their smallest finger (0.210 in. diameter) or larger than the largest user's biggest finger (0.375 in. diameter). Therefore, products that meet the scissoring, shearing, and pinching requirements in ASTM F2012 and ASTM F2167 will also reliably meet the requirement in section 1500.86(a)(4)(i).

#### 2. Exposed Coil Springs, Holes, or Openings

Section 1500.86(a)(4)(ii) requires the space between extended spring coils to be less than 0.125 inches, or to be covered or otherwise prevent injuries. Similarly, section 1500.86(a)(4)(iii) requires holes to be less than or equal to 0.125 inches in diameter, or to be covered or otherwise designed to prevent injuries. The specifications in ASTM F2012 and ASTM F2167 for coil springs (ASTM F2012 section 5.7 and ASTM F2167 section 5.8) and openings (holes) (ASTM F2012 section 5.5 and ASTM F2167 section 5.7) are conceptually similar to those in section 1500.86(a)(4) but specify different allowable dimensions. The ASTM standards require any exposed coil springs capable of generating a space between coils of 0.210 in. or greater to be covered or otherwise designed to prevent injury. This requirement prevents fingers from becoming entrapped in the space between spring coils.

Similarly, the ASTM standards also prohibit any hole or slot between 0.210 inches and 0.375 inches in size that extends entirely through a wall section of any rigid material less than 0.375 inches thick. This prevents the entrapment of fingers by making openings either too small for the smallest user to penetrate with their smallest finger or larger than the largest user's biggest finger (thereby allowing the finger to be withdrawn without entrapment). Although these dimensions are larger than the 0.125 inches cited in section 1500.86(a)(4), the ASTM requirements are based on children's finger size and have been shown to prevent finger entrapment injuries. Therefore, products that comply with the exposed coil springs,

holes, or opening requirements in ASTM F2012 and ASTM F2167 also address the hazards described in section 1500.86(a)(4)(ii–iii).

#### 3. Accidental Collapse

Section 1500.86(a)(4)(iv) states that articles must be designed and constructed to prevent accidental collapse while in use, but it does not specify how to test for conditions that could lead to accidental collapse. In contrast, the ASTM standards include specific tests for latching and locking mechanisms to prevent accidental collapse: latching or locking mechanisms are to release with a force of at least 10 pounds when only a single action is needed; or two distinct and separate actions shall be required to release the mechanism (ASTM F2012 section 5.4 and ASTM F2167 section 5.5). The ASTM standards also have structural integrity requirements to reduce the risk of collapse due to structural failure. Additionally, ASTM F2012 includes a requirement in section 5.11 that spring supported stationary activity centers have a redundant system in case any one of the springs should fail: the system must fully support the test weight; cause the seat to come to a rest at an angle of no more than 25 degrees from horizontal; and must not create a hazardous condition. Therefore, products that comply with the accidental collapse requirements in ASTM F2012 and ASTM F2167 also comply with section 1500.86(a)(4)(iv).

#### 4. Evaluation of 16 CFR 1500.86(a)(4)

The requirements in 16 CFR 1500.86(a)(4) were developed by the FDA in 1971, prior to the CPSC's publication of children's anthropometric measurements. The requirements in the ASTM standards incorporated by reference in parts 1229 and 1238 are based on more recent anthropometric data developed for the CPSC by the University of Michigan in 1975 and include clear performance criteria. The ASTM standards also address other hazard patterns that were not addressed by the FHSA regulations. Based on the above evaluation, the hazards addressed by 16 CFR 1500.86(a)(4) are also effectively addressed by the requirements in parts 1229 and 1238. Accordingly, the requirements in 16 CFR 1500.18(a)(6) and 1500.86(a)(4) that apply to infant baby bouncers and stationary activity centers are being revoked as obsolete and unnecessary.

Finally, the Commission determines that it is not in the public interest to revoke the existing requirements of 16 CFR 1500.18(a)(6) and 1500.86(a)(4) as

<sup>2</sup> Snyder, R. G., Spencer, M. L., Owings, C. L. & Schneider, L. W. (1975), Physical Characteristics of Children As Related to Death and Injury for Consumer Product Design and Use, Prepared for the Consumer Product Safety Commission (UM-HSRI-BI-75-5 Final Report Contract FDA-72-70 May 1975), Highway Safety Research Institute, The University of Michigan, May 31, 1975.

they apply to products like doorway or ceiling bouncers or jumpers. There is not an existing ASTM safety standard which applies to these products and which covers the types of hazards that this rule is intended to address. Having these requirements remain in place will make it easier to obtain a recall or other corrective actions if products present a hazard due to a failure to meet an existing requirement. Any negative effect of having particular dimensions specified in these regulations that are based on outdated anthropometric data is neutralized by the provision in the regulations that allows products that are “otherwise designed to prevent injuries.” The Commission would consider an effective requirement based on current anthropometric data to be designed to prevent injuries.

### III. Description of the Direct Final Rule

The direct final rule amends 16 CFR 1500.18(a)(6) and 1500.86(a)(4) to add language excepting an infant bouncer seat subject to part 1229 and a stationary activity center subject to part 1238 from the requirements in 16 CFR 1500.18(a)(6) and 1500.86(a)(4).

### IV. Direct Final Rule Process

The Commission is issuing this rule as a direct final rule. Although the Administrative Procedure Act (APA; 5 U.S.C. 551–559) generally requires agencies to provide notice of a rule and an opportunity for public comment, section 553 of the APA provides an exception when the agency “for good cause finds” that notice and comment are “impracticable, unnecessary, or contrary to the public interest.” *Id.* 553(b)(B). The Commission has determined that the above-described provisions relating to infant bouncer seats and stationary activity centers in 16 CFR 1500.18(a)(6) and 1500.86(a)(4) no longer serve the public interest because they are obsolete or otherwise unnecessary. Applying the “good cause” standard discussed above, the Commission concludes that prior notice and comment are unnecessary before revoking the provisions in this direct final rule.

In Recommendation 2024–6, the Administrative Conference of the United States (ACUS) endorses direct final rulemaking as an appropriate procedure to expedite rules that are noncontroversial and that are not expected to generate significant adverse comments. *See* 89 FR 106406 (Dec. 30, 2024). ACUS recommends that agencies use the direct final rule process when they act under the “unnecessary” prong of the good cause exemption in 5 U.S.C. 553(b)(B). 89 FR 106406, 106409.

Consistent with the ACUS recommendation, the Commission is publishing this rule as a direct final rule, because CPSC does not expect any significant adverse comments.

Unless CPSC receives a significant adverse comment within 30 days of this notification, the rule will become effective on September 21, 2026. In accordance with ACUS’s recommendation, the Commission considers a significant adverse comment to be one where the commenter explains why the rule would be inappropriate, “including challenges to the rule’s underlying premise or approach,” or where the commenter explains why the rule would be ineffective or unacceptable without change. *Id.* at 106409. If the Commission receives a significant adverse comment, the Commission will withdraw any portion of this direct final rule related to such a comment. Depending on the comment and other circumstances, the Commission may then incorporate the adverse comment into a subsequent direct final rule or publish a notice of proposed rulemaking, providing an opportunity for public comment.

### V. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA; 5 U.S.C. 601–612) generally requires agencies to review proposed and final rules for their potential economic impact on small entities, including small businesses, and prepare regulatory flexibility analyses. 5 U.S.C. 603, 604. The RFA applies to any rule that is subject to notice and comment procedures under section 553 of the APA. 5 U.S.C. 601–612. As discussed in section IV of this preamble regarding the Direct Final Rule Process, the Commission has determined that notice and the opportunity to comment are unnecessary for this rule. Therefore, the RFA does not apply.

### VI. Paperwork Reduction Act

This direct final rule does not impose any information collection requirements. Accordingly, this rule is not subject to the Paperwork Reduction Act, 44 U.S.C. 3501–3520.

### VII. Environmental Considerations

The Commission’s regulations provide for a categorical exclusion from any requirement to prepare an environmental assessment or an environmental impact statement where they “have little or no potential for affecting the human environment.” 16 CFR 1021.5(c)(2). This rule falls within the categorical exclusion, so no environmental assessment or

environmental impact statement is required.

### VIII. Preemption

According to Executive Order 12988 (February 5, 1996), agencies must state in clear language the preemptive effect, if any, of new regulations. Because the Commission is simply removing outdated requirements concerning infant bouncer seats and stationary activity centers that are still subject to other CPSC mandatory standards, this direct final rule has no preemptive effect.

### IX. Effective Date

Unless the Commission receives a significant adverse comment by August 21, 2026, the rule will become effective on September 21, 2026. In Recommendation 2024–6, ACUS recommends, absent exceptional circumstances for providing a different effective date, the agency should provide that a direct final rule will take effect at least 30 days after the close of the comment period if the agency receives no significant adverse comments. An agency that does not publish a confirmation notice should consider providing an effective date greater than 30 days after the close of the comment period if the agency believes it is necessary to ensure that it has adequate time to withdraw the rule in the event it receives significant adverse comments. *See* 89 FR 106409. The 60-day effective date for the direct final rule is consistent with ACUS Recommendation 2024–6.

### X. Congressional Review Act and Executive Order 12866

Pursuant to the Congressional Review Act (CRA) and Executive Order (E.O.) 12866, the Office of Management and Budget’s Office of Information and Regulatory Affairs has determined that this rule does not qualify as a “major rule,” as defined in 5 U.S.C. 804(2), and is not a significant regulatory action as defined under section 2(f) of E.O. 12866. To comply with the CRA, CPSC will submit the required information to each House of Congress and the Comptroller General.

### List of Subjects in 16 CFR Part 1500

Baby walkers, Consumer protection, Hazardous substances, Imports, Infants and children, Labeling, Law enforcement, Toys.

For the reasons stated in the preamble, the Consumer Product Safety Commission amends 16 CFR chapter II as follows:

**PART 1500—HAZARDOUS  
SUBSTANCES AND ARTICLES;  
ADMINISTRATION AND  
ENFORCEMENT REGULATIONS**

■ 1. The authority citation for 16 CFR Part 1500 continues to read as follows:

**Authority:** 15 U.S.C. 1261–1278.

■ 2. Amend § 1500.18 in paragraph (a)(6) introductory text by revising the first sentence to read as follows:

**§ 1500.18 Banned toys and other banned articles intended for use by children.**

(a) \* \* \*

(6) Any article known as a “baby-bouncer” or “walker-jumper” and any other similar article (referred to in this paragraph (a)(6) as “article(s)”), except an infant walker subject to part 1216 of this chapter, an infant bouncer seat subject to part 1229 of this chapter, and a stationary activity center subject to part 1238 of this chapter, which is intended to support very young children while sitting, bouncing, jumping, and/or reclining, and which because of its design has any exposed parts capable of causing amputation, crushing, lacerations, fractures, hematomas, bruises, or other injuries to fingers, toes, or other parts of the anatomy of young children. \* \* \*

\* \* \* \* \*

■ 3. Amend § 1500.86 by revising paragraph (a)(4) introductory text to read as follows:

**§ 1500.86 Exemptions from classification as a banned toy or other banned article for use by children.**

(a) \* \* \*

(4) Any article known as a “baby-bouncer” or “walker-jumper” and any other similar article (referred to in this paragraph (a)(4) as “article(s)”), except an infant walker subject to part 1216 of this chapter, an infant bouncer seat subject to part 1229 of this chapter, and a stationary activity center subject to part 1238 of this chapter, described in § 1500.18(a)(6) provided:

\* \* \* \* \*

**Alberta E. Mills,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 2026–14822 Filed 7–21–26; 8:45 am]

**BILLING CODE 6355–01–P**

**DEPARTMENT OF HOMELAND  
SECURITY**

**Coast Guard**

**33 CFR Part 100**

**[Docket Number USCG–2026–0404]**

**RIN 1625–AA08**

**Special Local Regulation; San Pedro Bay, CA**

**AGENCY:** Coast Guard, Department of Homeland Security.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary special local regulation (SLR) for certain navigable waters of San Pedro Bay. The SLR is needed to protect personnel, vessels, and the marine environment from potential hazards created by the San Pedro Olympic Classes Regatta spanning two periods: July 19 through July 24, 2026, and August 3 through August 8, 2026. This regulation prohibits persons and vessels from entering the regulated area unless specifically authorized by the Captain of the Port Los Angeles—Long Beach or their designated representative.

**DATES:** This rule is effective from noon to 7 p.m. daily from July 19, 2026, through July 24, 2026, and from noon to 7 p.m. daily from August 3, 2026, through August 8, 2026.

**ADDRESSES:** To view available documents, go to <https://www.regulations.gov> and search for USCG–2026–0404.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rule, contact LCDR Anthony Solares, Sector Los Angeles—Long Beach Waterways Management Division, U.S. Coast Guard; telephone 310–521–3860, or email [D11-SMB-SectorLALB-WWM@uscg.mil](mailto:D11-SMB-SectorLALB-WWM@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

**I. Table of Abbreviations**

CFR Code of Federal Regulations  
COTP Captain of the Port  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
SLR Special Local Regulation  
U.S.C. United States Code

**II. Background and Authority**

A regatta series in San Pedro Bay will be held as part of the qualification process for the 2028 Summer Olympics. The event will span two periods: noon until 7 p.m. on July 19 through July 24, 2026, and from noon until 7 p.m. on

August 3 through August 8, 2026. The event will involve up to 250 sailing vessels participating on each day of the event. A designated area within Los Angeles Harbor has been identified as the primary racing location, in addition to three backup racing locations. One backup location will be offshore of Point Fermin, with additional backup locations in and outside of the Long Beach Harbor breakwater, between Angels Gate and Queens Gate.

The Captain of the Port Los Angeles—Long Beach (COTP) is issuing this Special Local Regulation (SLR) under the authority in 46 U.S.C. 70041. The COTP has determined that potential hazards associated with the regatta include the possibility of non-participants crossing into the racing area. The purpose of this rulemaking is to protect event participants, non-participants, and transiting vessels before, during, and after the scheduled event.

Because of these potential hazards, the Coast Guard is issuing this rule without prior notice and comment. As is authorized by 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and contrary to the public interest. The Coast Guard did not receive the final details for this event until July 16, 2026, but we must establish this SLR by July 19, 2026, to protect personnel, vessels, and the marine environment. Thus, we do not have enough time to solicit and respond to comments.

For the same reasons, the Coast Guard finds that under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

**III. Discussion of the Rule**

This rule establishes a temporary SLR from noon until 7 p.m. daily from July 19, 2026, through July 24, 2026, and from noon until 7 p.m. daily from August 3, 2026, through August 8, 2026. The SLR will cover all navigable waters within pre-designated areas within San Pedro Bay. No vessel or person will be permitted to enter the regulated area without obtaining permission from the COTP or their designated representative.

**IV. Regulatory Analyses**

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders.

### A. Impact on Small Entities

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to rules that are not subject to notice and comment. Because the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act's flexibility analysis provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

### B. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### C. Federalism and Indian Tribal Governments

We have analyzed this rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

### D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Coast Guard certifies that this rule will not result in an annual expenditure of \$100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

### E. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This rule is a special local regulation. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

### List of Subjects in 33 CFR Part 100

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.T1199–0140 to read as follows:

#### § 100.T1199–0140 Special Local Regulation; San Pedro Bay, CA

(a) *Location.* This special local regulation applies to the following regulated areas:

(1) SF–1 (primary): All waters of San Pedro Bay, from surface to bottom, encompassed by a line connecting the following points beginning at 33°42.6' N, 118°16.8' W, thence to 33°42.7' N, 118°16.8' W, thence to, 33°42.8' N, 118°15.6' W, thence to 33°42.4' N, 118°15.5' W, thence to 33°42.3' N, 118°15.9' W, thence to 33°42.3' N, 118°16.2' W, and back to the beginning point.

(2) SF–2 (backup): All waters of San Pedro Bay, from surface to bottom, encompassed by a line connecting the following points beginning at 33°42.0' N, 118°15.0' W, thence to 33°40.5' N, 118°15.0' W, thence to 33°40.5' N, 118°17.0' W, thence to 33°42.0' N, 118°17.0' W, and back to the beginning point.

(3) SF–3 (backup): All waters of San Pedro Bay, from surface to bottom, encompassed by a line connecting the

following points beginning at 33°43.0' N, 118°14.25' W, thence to 33°43.4' N, 118°15.0' W, thence to 33°44.0' N, 118°13.2' W, thence to 33°43.5' N, 118°13.0' W, and back to the beginning point.

(4) SF–4 (backup): All waters of San Pedro Bay, from surface to bottom, encompassed by a line connecting the following points beginning at 33°43.3' N, 118°12.4' W, thence to 33°42.3' N, 118°11.9' W, thence to 33°41.8' N, 118°13.9' W, thence to 33°42.7' N, 118°14.2' W, and back to the beginning point.

(5) These coordinates are based on the World Geodetic System (WGS 84)/North American Datum 83 (NAD 83).

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Los Angeles—Long Beach (COTP) in the enforcement of the regulated area. *Participant* means all persons and vessels registered with the event sponsor as a participant in the race.

(c) *Regulations.* (1) All non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the Captain of the Port Los Angeles—Long Beach or their designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16 or by telephone at (310) 521–3801. Those in the special regulated area must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) The COTP will provide notice of which regulated areas (SF–1, SF–2, SF–3, or SF–4) will be enforced through advanced notice via broadcast notice to mariners and by on-scene designated representatives.

(4) This section will be enforced daily from noon to 7 p.m. on July 19, 2026, through July 24, 2026, and daily from noon to 7 p.m. on August 3, 2026, through August 8, 2026.

#### S.L. Crecy,

*Captain, U.S. Coast Guard, Captain of the Port Los Angeles—Long Beach.*

[FR Doc. 2026–14794 Filed 7–21–26; 8:45 am]

**BILLING CODE 9110–04–P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 660**

[Docket No. 260717–0173]

RIN 0648–BO02

**Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Pacific Coast Groundfish Fishery Management Plan; Amendment 36; Limited Entry Fixed Gear Follow-On Actions**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** This final rule implements regulations for amendment 36 to the Pacific Coast Groundfish Fishery Management Plan (Groundfish FMP). The regulations include management measures that apply to vessels registered to limited entry fixed gear (LEFG) endorsed permits and LEFG permit owners in the Pacific Coast groundfish fishery. Specifically, NMFS will: add flexibility to the LEFG permits' gear endorsements; remove the base permit designation of LEFG permits; remove the start and end times (*i.e.*, hours of the day) for the open dates of the primary sablefish season; and develop a cost recovery program for the LEFG primary sablefish fishery. The purpose of this action is to provide increased flexibility to LEFG participants while reducing administrative burdens, and to develop a cost recovery program to meet the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:**

*Effective date:* This final rule is effective August 6, 2026.

*Compliance date:* The compliance date for 15 CFR 660.231(c) will be no earlier than December 1, 2027.

**ADDRESSES:** Information relevant to amendment 36, which includes an analysis that addresses Executive Order 12866, the National Environmental Policy Act (NEPA), the Regulatory Flexibility Act (RFA), and the statutory requirements of the Magnuson-Stevens Act (the Analysis), may be obtained from the NMFS West Coast Region (WCR) website at: <https://www.fisheries.noaa.gov/region/west-coast>.

Written comments regarding the burden-hour estimates or other aspects

of the collection-of-information requirements contained in this final rule may be submitted to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by using the search function.

**FOR FURTHER INFORMATION CONTACT:**

Megan Mackey, 206–526–6140, [megan.mackey@noaa.gov](mailto:megan.mackey@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Pacific Coast groundfish fishery in the U.S. exclusive economic zone seaward of Washington, Oregon, and California is managed under the Groundfish FMP. The Pacific Fishery Management Council (Council) developed the Groundfish FMP pursuant to the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*). The Secretary of Commerce (Secretary) approved the Groundfish FMP and implemented the provisions of the plan at 50 CFR part 660, subparts C through G. Species managed under the Groundfish FMP include species of groundfish, flatfish, rockfish, sharks, and skates. This final rule (also referred to as “this action”) implements regulations for amendment 36 to the Groundfish FMP. Consistent with Magnuson-Stevens Act section 303(c)(1), the Council deemed the regulations consistent with and necessary to implement amendment 36 in a December 8, 2025 letter. The notice of availability (NOA) for amendment 36 that published on December 16, 2025, describes the Groundfish FMP changes that will be implemented through amendment 36 (90 FR 58183). The Analysis for this action was also made available to the public (see **ADDRESSES**). Consistent with the statutory requirements under section 304(a)(3), the Secretary approved amendment 36 to the Groundfish FMP on March 11, 2026, in a letter from NMFS to the Council. The proposed rule for amendment 36, which includes the regulations necessary for implementing amendment 36, published on April 17, 2026, and was open for public comment through May 18, 2026 (91 FR 20624). This final rule provides the implementing regulations for amendment 36.

**Background**

The history of the LEFG program (or LEFG fishery) in the Pacific Coast groundfish fishery dates back to the 1980s and is detailed in section 1.2 of the Analysis. In June 2022, the Council completed its second review of the LEFG fishery with the adoption of a final report (2022 LEFG Program Review) that includes research and data needs, and recommendations for program changes.

In June 2023, the Council considered a series of potential new management measures for the LEFG fishery and provided guidance on the development of a range of alternatives (ROA) for these measures. The Council also recommended that these items be split into two rulemaking packages: (1) fixed gear marking and entanglement risk reduction; and (2) LEFG follow-on actions. The Council provided its final recommendation on the fixed gear marking and entanglement risk reduction measures in June 2024, and NMFS published a proposed rule including the associated regulations (91 FR 5408; February 6, 2026).

In September 2023, the Council adopted a purpose and need and ROA for this action to implement the LEFG follow-on actions. At its March 2025 meeting, the Council adopted a preliminary preferred alternative. In June 2025, it adopted a final preferred alternative (FPA).

**Amendment 36**

On March 11, 2026, NMFS approved amendment 36 to the Groundfish FMP in alignment with the Council's recommendation in June 2025 and published the NOA on December 16, 2025 (90 FR 58183). NMFS subsequently issued the proposed rule containing the regulations to implement amendment 36 on April 17, 2026, and accepted public comments through May 18, 2026 (91 FR 20624). The regulatory changes included in this final rule implement amendment 36.

**Final Rule**

Four action items are included in this final rule as part of the LEFG follow-on actions. Overall, the four action items included in this final rule will provide increased flexibility in the LEFG fishery while reducing administrative burdens. These measures will also ensure the LEFG program meets the Magnuson-Stevens Act requirements for limited access privilege programs (LAPP).

The action items are:

- Adding flexibility to the LEFG permit gear endorsements by creating a single limited entry (LE) non-trawl permit that will permit vessels to use any legal non-trawl groundfish gear, except for set nets or other entangling nets, to harvest their LEFG sablefish tier limits and groundfish trip limits;
- Removing the base permit designation of LEFG permits;
- Removing the start and end times (*i.e.*, hours of the day) for the open dates of the primary tier season; and
- Developing a cost recovery program for the LEFG primary sablefish fishery.

### *Adding Flexibility to the LEFG Permit Gear Endorsements*

With regard to the first action item on flexibility for gear endorsements, the most recent LEFG fishery review illustrated changing and unpredictable ocean and market conditions and an aging fleet, indicating a need to increase flexibility for LEFG participants to use their quota in the most efficient way possible and to encourage new participation in the fishery. The Council determined that this need could be met by allowing LEFG permitted vessels to use different legal non-trawl gear in addition to the gear currently endorsed on their permit to harvest their LEFG quotas and that allowing such gear flexibility could increase efficiency as well as opportunities for LEFG vessels and participants to more fully utilize annual groundfish allocations.

The Council considered a range of three action alternatives with increasing levels of flexibility for the gear endorsement flexibility action item (see section 2.1 of the Analysis). The first alternative would have allowed vessels registered to bottom longline-endorsed permits to also use slinky pots to harvest their quota. The second alternative would have broadened the flexibility by allowing an LEFG permit holder to use bottom longline or pot gear, including traditional and slinky pots. The third alternative, which is included in this final rule, allows the most flexibility with respect to gear use by creating a single LE non-trawl permit that will permit vessels to use any legal non-trawl groundfish gear, except for set nets or other entangling nets, to harvest their LEFG sablefish tier limits and groundfish trip limits. This flexibility is currently allowed for vessels fishing in the directed open access (OA) sector and for vessels fishing individual fishing quota (IFQ) under the gear switching provisions of the Shorebased IFQ Program. Under this final rule, all LEFG vessels will be allowed to use pot and bottom longline gears and vertical hook-and-line or other legal non-trawl gear configurations to harvest groundfish. This final action will also remove crossover provisions currently applicable to the LE and OA sectors (e.g., those listed 50 CFR 660.230(b)(2)), in order to reduce regulatory and enforcement complexity.

The FPA for the gear endorsement flexibility action item that is being implemented in this final rule includes a provision (referred to in supporting documentation as a suboption) that will exclude entangling nets from the permitted gear. The suboption was included to address concerns about the

potential for the expanded use of set nets within the LEFG fishery under this action. Set nets are included in the broader category of entangling nets, which also includes gillnets and trammel nets. Set nets are currently allowed in the OA groundfish fishery south of latitude (lat.) 38° N but prohibited north of lat. 38° N (50 CFR 660.330(b)(2)(ii)). Without the suboption, LEFG vessels would have been able to use set nets. The final rule will prohibit the use of all entangling nets, including set nets, for the LE sector. There has been no record of directed groundfish vessels using set nets or other entangling nets to harvest groundfish off the U.S. West Coast (see section 4.5.1 of the Analysis).

To add flexibility to gear endorsements, this final rule will replace references to “fixed gear” as well as language specific to longline and pot gear endorsements with “non-trawl” throughout § 660. The notice of departure rule in § 660.216(b) will also be updated to require vessels carrying an observer to give NMFS a 48-hour notification of intended departure time, along with identifying the gear type they intend to use. This will replace the current 24-hour notification requirement.

### *Removing the Base Permit Designation of LEFG Permits*

The second action item included in this final rule concerns the base permit designation of LEFG permits. The base permit designation was used to determine that at least one permit in a sablefish permit stack had a length endorsement that was long enough for the vessel. It was highlighted during the 2022 LEFG program review, however, that the requirement to designate a base permit is duplicative and unnecessary because the vessel length requirement is already covered by a separate regulation within § 660.25(b)(3)(iii), subpart C. Therefore, the 2022 program review concluded that the base permit designation is not necessary to enforce the vessel length requirement, and the NMFS and the Council found that the designation of a base permit for LEFG vessels creates an unnecessary administrative burden on fishery participants and NMFS staff (see section 2.2 of the Analysis). This final action will therefore remove this requirement from the regulations.

To remove the base permit designation of LEFG permits, the definition of “base permit” will be removed from § 660.11 and language regarding the base permit designation will be removed from § 660.25(b)(3)(iii)(C).

### *Removing the Start and End Times for the Open Dates of the Primary Tier Season*

The third action concerns the season start and end times (i.e., hours of the day) for the open dates for the sablefish primary season. Historically, the specification of the time of day for the opening and closing of the primary season was necessary for monitoring and enforcement purposes, particularly when seasons were very short. Seasons now take place from April through December and are no longer considered short. Therefore, this specification is no longer necessary and the references to noon local time will be removed from the regulations as part of this final action (see section 2.4 of the Analysis).

To remove the time-specific language for the open dates of the primary tier season, “noon local time” will be removed while maintaining the start and end days of the year (April 1 and December 31, respectively) in § 660.231(b)(1).

### *Developing a Cost Recovery Program for the LEFG Primary Sablefish Fishery*

The fourth action will establish a cost recovery program for the LEFG primary sablefish fishery (also known as the tier program), which is a LAPP. The Magnuson-Stevens Act specifies that NMFS must collect fees to recover the actual costs of management, data collection and analysis, and enforcement associated with a LAPP (16 U.S.C. 1853a(e) and 1854(d)(2)) (see section 2.5 of the Analysis). This final rule will require the owner(s) or authorized representative of a vessel that makes landings of sablefish in the tier program to be responsible for paying the fee.

NMFS has evaluated tasks that will be considered cost recoverable, which include an electronic fish ticket requirement and future program reviews, and determined the cost of these administrative tasks will not be significant. Pending unforeseen changes to the cost structure of the LEFG tier fishery, the fees associated with this cost recovery program are considered minimal.

A summary of this cost recovery program is provided in the proposed rule for this action (91 FR 20624, April 17, 2026) and is not repeated here. The cost recovery program will require additional implementation steps, so no fees will be due immediately upon effectiveness of this rule. For example, at a minimum, NMFS will need to compile direct program costs for a full fiscal year to calculate the fee percentage. Therefore, the regulations at

§ 660.231(c)(2) specify that fishery participants will not be required to comply with the cost recovery program until NMFS completes the necessary steps for implementation and issues the first announcement of the fee percentage under § 660.231(c)(4)(ii), and in no case before December 1, 2027. Details on the administrative aspects of cost recovery will be provided in the small entity compliance guide prepared in support of this final rule and are also described in the proposed rule for this action. NMFS will provide advance notice to the sector prior to cost recovery fees being charged for the first time.

### Expected Effects of This Action

The Council prepared a detailed Analysis (see **ADDRESSES**) that analyzed the potential effects of amendment 36 on various resources. No significant effects are expected on target species, non-target species, protected/prohibited species, the ecosystem, or tribal communities. A brief summary of expected effects from the Analysis was provided in the proposed rule (91 FR 20624, April 17, 2026) and is not repeated here.

### Public Comments

The NOA for amendment 36 was published on December 16, 2025 (90 FR 58183) and was open for public comment until February 10, 2026. The Analysis for this action was also made available to the public with the NOA. The proposed rule for amendment 36 published on April 17, 2026 (91 FR 20624), and was open for public comment until May 18, 2026. NMFS received a total of 10 public comment submissions on the NOA and the proposed rule. Comments are addressed below.

*Comments 1–2:* Two commenters expressed general support for this action.

*Response:* Thank you for your comments. Your support for this action is noted and your participation in the public process is appreciated.

*Comment 3–7:* Five additional commenters expressed support for this action and specifically noted that the new gear flexibility would allow LEFG participants to use their quota in the most efficient way possible and would allow flexibility to use the most appropriate gear to avoid whale depredation on hook and line gear when targeting sablefish. One industry representative stated that vessel owners have already purchased new pot gear and hydraulics, with the hope of taking advantage of amendment 36's gear flexibility provisions during the 2026 fishing year. A different boat owner/

operator and tier permit holder expressed the opinion that the gear flexibility under amendment 36 might attract additional crew to the fishery due to the desirability of using pot (versus traditional hook and line) gear. Both commenters request that the 30-day cooling off period be waived after final rule publication to allow fishery participants to employ the new gear flexibility as soon as possible during the 2026 primary sablefish season.

*Response:* Thank you for your comments. Your support for this action is noted and your participation in the public process is appreciated. NMFS agrees that the gear flexibility created by this final rule could increase efficiency as well as opportunities for LEFG vessels and participants to more fully utilize annual groundfish allocations. NMFS addresses the 30-day delay in effective date requirement for this rule in the Classification section below.

*Comment 8:* One commenter expressed concern about the potential for the entanglement of large marine predators in vertical line fisheries, including a concern about the relationship between fishing line strength and the risk of entanglement.

*Response:* Amendment 36 does not address fishing line strength. Accordingly, those comments are not relevant to this action. Additionally, NMFS analyzed the potential environmental impacts anticipated to result from the implementation of amendment 36, including the potential for increased entanglement risk for marine mammals and ESA-listed species, in the Analysis (see **ADDRESSES**). The Analysis includes an Environmental Assessment (EA) under NEPA. The EA concludes that the likelihood and degree of any such risk is difficult to predict, but that such risk is not expected to be significant or to result in significant impacts to affected resources. Accordingly, NMFS issued a finding of no significant impact (FONSI).

As part of the compliance process for this action, the WCR's Sustainable Fisheries Division (SFD) also conferred with the WCR's Protected Resources Division (PRD) to evaluate the potential need for reinitiation of consultation under section 7 of the Endangered Species Act (ESA). The review confirmed that this action would not modify the action analyzed in the November 2024 opinion that consulted on the continued implementation of the Groundfish FMP in a manner that may alter the effects on listed species in a manner or to an extent not previously considered, and thus that reinitiation is not required. Accordingly, NMFS has

fully evaluated amendment 36's potential impacts on marine mammals and ESA-listed species, including the potential for increased entanglement risk.

*Comment 9:* One commenter expressed a general concern that this rule does not address potential harm to wildlife, ecosystems, or the environment, and that this rule does not benefit the public aside from those who will profit as a result of it.

*Response:* Given the overlap of this comment with comment 8, NMFS incorporates its response to comment 8, noting that NMFS analyzed the potential environmental impacts anticipated to result from the implementation of amendment 36 and issued a FONSI. Regarding benefits to the public, this action will create gear flexibility that will increase opportunities for fishery participants to harvest groundfish with fewer associated management complexities, thereby increasing the seafood supply available to the public with fewer overall Federal management costs. NMFS has determined that the implementation of amendment 36 is in the public interest and will provide a net benefit to the nation. The goal of this action is to help the fishery reach maximum sustainable yield, while preventing overfishing, consistent with the Magnuson-Stevens Act and National Standard 1.

*Comment 10:* One commenter expressed personal beliefs about seafood consumption.

*Response:* This comment is not directly responsive to this action.

### Changes From the Proposed Rule

No changes were made to the final rule in response to public comments on the NOA and the proposed rule; however, minor administrative regulatory changes were made to the final rule, including the addition of a new declaration at § 660.13(d)(4)(iv)(A)(42) for LE non-trawl non-bottom contact hook-and-line gear for groundfish. The new declaration is intended to clarify the proposed rule's original intent with respect to creating gear flexibility for non-bottom contact gear within the LE non-trawl sector. The regulations implementing the cost recovery program at § 660.231(c) were also revised to include new subsections at §§ 660.231(c)(1) and (c)(2), which specify that compliance with the new cost recovery program will not be required (1) until NMFS completes the necessary steps for implementation (e.g., collecting a full fiscal year of data to calculate the fee percentage) and issues

the first announcement of the fee percentage under § 660.231(c)(4)(ii), and (2) in no case before December 1, 2027. These new subsections are intended to clarify the proposed rule's original intent that the cost recovery program would not be implemented immediately and that NMFS would require at least one fiscal year of data prior to assessing fees. Thus, the minor administrative changes to the final regulations, including the new declaration and the additional detail in § 660.231(c), are consistent with NMFS' original purpose for this action and considered a logical outgrowth of the proposed rule. The changes neither raise new issues not addressed in nor represent a substantial departure from the proposed rule.

### Classification

Pursuant to sections 303(c) and 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule to implement amendment 36 is consistent with the Groundfish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866.

This final rule is considered an E.O. 14192 deregulatory action.

There are no relevant Federal rules that may duplicate, overlap, or conflict with this action.

This action would not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes; therefore, consultation with Tribal officials under E.O. 13175 is not required, and the requirements of section (5)(b) and (c) of E.O. 13175 also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and (c)(2)(B) of E.O. 13175 is not required and has not been prepared.

The NMFS Assistant Administrator finds that the requirement for a 30-day delay in the date of effectiveness for this rule does not apply pursuant to 5 U.S.C. 553(d)(1) and (3) and makes the regulations implementing amendment 36 to the Groundfish FMP effective 15 days after the publication of this rule with the Office of Federal Register.

Pursuant to 5 U.S.C. 553(d)(1), this rule relieves a restriction on fishing because it creates additional flexibility in the fishery's gear endorsements by allowing all LEFG vessels to use pot and bottom longline gears and vertical hook-and-line or other legal non-trawl gear configurations, except entangling nets,

to harvest groundfish. Fishery participants are currently restricted from using gear outside of their gear-specific endorsed permits to harvest groundfish and will remain restricted from using the additional gear allowed under this rule until the rule takes effect. Therefore, pursuant to 5 U.S.C. 553(d)(1) the 30-day delay in effective date requirement does not apply to this rule.

Additionally, pursuant to 5 U.S.C. 553(d)(3), the 30-day delay in effective date requirement does not apply to this rule because a 30-day delay would be contrary to the public interest as it would delay significant operational efficiencies for LE non-trawl, sablefish-endorsed vessels and thus limit the benefits that this rule is intended to provide to the fishermen and fishing communities during the 2026 fishing year. This rule taking effect without a 30-day delay will benefit the public because it will provide additional opportunity for fishermen during the 2026 sablefish primary season, which would increase the likelihood of full utilization of the 2026 groundfish allocations.

The sablefish primary season for the LE non-trawl, sablefish-endorsed vessels begins on April 1 and closes on December 31. Participants in this fishery were expecting to use the much-anticipated gear flexibility component of this final rule at the April 1 start date, particularly since the NOA for amendment 36 was published on December 16, 2025 (90 FR 58183) and the FMP amendment was approved on March 11, 2026, in a letter from NMFS to the Council. The gear flexibility created by this final rule is expected to increase efficiency within the fishery as well as opportunities for LEFG vessels and participants to more fully utilize annual groundfish allocations. The sooner they are allowed to use this flexibility during their 2026 season, the sooner the economic benefits of these efficiencies can be realized for fishery participants and fishing communities. If this final rule were delayed for the full 30 days, participants in the sablefish primary season would be further delayed in their ability to use the new gear flexibility to achieve the goals of this action, and thus to realize the economic opportunity intended under this rule.

A 30-day delay in effective date is also not necessary to provide sufficient notice to the fishing community. One of the general policy purposes for allowing for a 30-day delay is to give the regulated community time to adjust their practices to come into compliance with a new rule. There are no new

compliance burdens placed on the fishing community immediately with this rule. The rule does not establish any new or unique regulations, nor otherwise make changes, that require fishery participants to make costly or time-consuming adjustments prior to fishing. By contrast, this rule creates increased operational flexibility on the part of fishery participants. Thus, a 30-day delay to the effective date would provide LEFG vessels and participants with less operational flexibility, not more, during the delay. Further, the aspects of this rule that create new compliance burdens (*i.e.*, cost recovery) are not expected to be in place immediately because they require additional implementation steps, including, at a minimum, a full year of cost data collection prior to any new fee and reporting requirement being triggered. In addition, because annual groundfish allocations will be the same regardless of whether this rule goes into effect immediately or after 30 days, delaying the effective date of the rule for the full 30 days would not provide any additional benefit to the long-term biological or economic sustainability of the fishery.

For the foregoing reasons, the requirement of a 30-day delay in the effective date does not apply to this action.

However, because the WCR's Permits and Monitoring Branch requires some delay between the publication and effective date of this rule in order to carry out necessary administrative and implementing actions, this rule will be effective 15 days after the publication of this rule with the Office of Federal Register rather than upon the date of publication. Currently, there are 223 unique active LEFG permits with either pot gear, bottom longline gear, or both gear endorsements. Pacific Coast groundfish fishermen have been authorized to fish under these permits since the sablefish primary season for LE non-trawl, sablefish-endorsed vessels began on April 1, 2026. Following publication of this rule, the WCR's Permits and Monitoring Branch will need to reissue these permits as LE non-trawl endorsed permits, so that fishermen can take advantage of the new gear flexibility provisions in this rule for the remainder of the 2026 fishing season. The 15-day delay in effectiveness for this rule will provide the necessary time for permit reissuance.

### Certification Under the RFA

The Chief Counsel for Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy of the

Small Business Administration during the proposed rule stage that this action will not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a final regulatory flexibility analysis was not required and none was prepared.

#### *Paperwork Reduction Act*

This final rule contains a collection-of-information requirement subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This rule revises and extends the existing requirements for the collection of information under OMB Control Number 0648–0663, “Northwest Region, Pacific Coast Groundfish Fishery: Trawl Rationalization Cost Recovery Program,” by adding a cost recovery collection for the sablefish primary fishery and by changing the title from “Northwest Region, Pacific Coast Groundfish Fishery: Trawl Rationalization Cost Recovery Program”; to “West Coast Region, Pacific Coast Groundfish Fishery: Cost Recovery”; to better align the title with the fisheries subject to the information collection. One additional form will be added to the existing information collection to allow vessels in this sablefish primary fishery to make cost recovery payments. The anticipated increase in the number of respondents is at most 164, which represents the universe of sablefish primary fishery tier permit holders. The actual increase in the number of respondents is likely closer to 100 due to permit stacking. The public reporting burden hours per response is expected to continue to be 1 hour and the responses are annual. The public reporting burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Therefore, this revision will add 100 hours to the annual burden estimate for this collection.

We invite the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. Written comments and recommendations for this information collection should be submitted at: [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by using the search function and entering either the

title of the collection or the OMB Control Number 0648–0663.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

#### **List of Subjects in 50 CFR Part 660**

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: July 17, 2026.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

For the reasons set out in the preamble, NMFS amends 50 CFR part 660 as follows:

#### **PART 660—FISHERIES OFF WEST COAST STATES**

■ 1. The authority citation for part 660 continues to read as follows:

**Authority:** 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*, and 16 U.S.C. 7001 *et seq.*

■ 2. Amend § 660.11 by:

■ a. Removing the definition of “Base permit”;

■ b. Revising paragraph (1)(iv)(B) of the definition for “Conservation area(s)”;

■ c. Revising the definitions for “Joint registration” and “Limited entry gear”;

■ d. Revising paragraph (1) of the definition for “Limited entry permit”;

■ e. Revising the definitions for “Non-trawl fishery”, “Open access gear”, and “Overage”.

The revisions read as follows:

#### **§ 660.11 General definitions.**

\* \* \* \* \*

*Conservation area(s)* \* \* \*

(1) \* \* \*

(iv) \* \* \*

(B) *Non-Trawl (Limited Entry Non-Trawl and Open Access Non-Trawl Gears) RCAs.*

\* \* \* \* \*

*Joint registration* or jointly registered means simultaneously registering both trawl-endorsed and non-trawl-endorsed limited entry permits for use with a single vessel in one of the configurations described in § 660.25(b)(4)(iv).

\* \* \* \* \*

*Limited entry gear* means non-trawl gear, except entangling nets (see paragraph (4) to the definition “Fishing gear” of this section) or groundfish trawl gear used under the authority of a valid limited entry permit affixed with an endorsement for that gear.

*Limited entry permit* means: \* \* \*

(1) The Federal permit required to fish in the limited entry fishery, and includes any gear, size, or species endorsements affixed to the permit, or

\* \* \* \* \*

*Non-trawl fishery* means:

(1) For the purpose of allocations at § 660.55, subpart C, non-trawl fishery means the limited entry non-trawl fishery, the open access fishery, and the recreational fishery.

(2) For the purposes of all other management measures in subparts C through G of this part, non-trawl fishery means fishing with any legal limited entry non-trawl gear or open access non-trawl groundfish gear other than trawl gear (groundfish trawl gear and non-groundfish trawl gear) but does not include the recreational fishery.

\* \* \* \* \*

*Open access gear* means all types of fishing gear except groundfish trawl.

\* \* \* \* \*

*Overage* means the amount of fish harvested by a vessel in excess of:

(1) The applicable trip limit for any fishery to which a trip limit applies;

(2) The amount authorized by the applicable permit for trawl fisheries at subpart D of this part;

(3) The amount authorized by the applicable sablefish-endorsed permits for non-trawl sablefish fisheries at subpart E of this part.

\* \* \* \* \*

■ 3. Amend § 660.12 by revising paragraph (a)(6) to read as follows:

#### **§ 660.12 General groundfish prohibitions.**

\* \* \* \* \*

(a) \* \* \*

(6) Take and retain, possess, or land more than a single cumulative limit of a particular species, per vessel, per applicable cumulative limit period, except for sablefish taken in the primary limited entry non-trawl sablefish season from a vessel authorized to fish in that season, as described at § 660.231, subpart E.

\* \* \* \* \*

■ 4. Amend § 660.13 by revising paragraphs (a)(2)(ii), (d)(4)(iv)(A)(1), (30) and (31), and adding paragraph (d)(4)(iv)(A)(42), to read as follows:

#### **§ 660.13 Recordkeeping and reporting.**

(a) \* \* \*

(2) \* \* \*

(ii) The limited entry non-trawl trip limit fisheries subject to the trip limits in tables 2b (north) and (south) to subpart E of this part, and primary sablefish fisheries, as defined at § 660.211; and

\* \* \* \* \*

(d) \* \* \*  
 (4) \* \* \*  
 (iv) \* \* \*  
 (A) \* \* \*

(1) Limited entry non-trawl bottom contact gear, not including shorebased IFQ (declaration code 10);

(30) Limited entry non-trawl non-bottom contact stationary vertical jig gear (allowed inside or outside the Non-Trawl RCA) (declaration code 12);

(31) Limited entry non-trawl non-bottom contact groundfish troll gear (allowed inside or outside the Non-Trawl RCA) (declaration code 13);

(42) Limited entry non-trawl non-bottom contact hook-and-line gear for groundfish (*e.g.*, troll, jig gear, rod & reel gear) (outside the Non-Trawl RCA only) (declaration code 16).

■ 5. Amend § 660.14 by revising paragraph (b)(1) to read as follows:

**§ 660.14 Vessel Monitoring System (VMS) requirements.**

(b) \* \* \*

(1) Any vessel registered for use with a limited entry permit (*i.e.*, not an MS permit) that fishes in State or Federal waters seaward of the baseline from which the territorial sea is measured off the States of Washington, Oregon or California (0–200 nmi offshore).

**§ 660.16 [Amended]**

■ 6. Amend § 660.16 by removing the words “Fixed Gear” from the table in paragraph (c) and adding, in their place, the word “Non-trawl”.

**§ 660.18 [Amended]**

■ 7. Amend § 660.18 by removing the words “fixed gear” wherever they appear and adding, in their place, the word “non-trawl”.

■ 8. Amend § 660.20 by revising paragraph (b) to read as follows:

**§ 660.20 Vessel and gear identification.**

(b) *Gear identification.* Gear

identification requirements specific to fisheries using fixed gear, defined at § 660.11, are described at § 660.219, subpart E and § 660.319, subpart F.

**§ 660.21 [Amended]**

■ 9. Amend § 660.21 by removing the words “fixed gear” wherever they appear and adding, in their place, the word “non-trawl”.

■ 10. Amend § 660.25 by:

- a. Revising paragraph (b)(1)(i);
- b. Removing and reserving paragraph (b)(3)(i);

- c. Revising paragraphs (b)(3)(ii), (b)(3)(iii)(C), (b)(3)(iv)(A) introductory text, (b)(3)(iv)(C)(1), and (b)(3)(vii);
- d. Adding paragraph (b)(4)(i)(H);
- e. Revising paragraphs (b)(4)(ii) introductory text, (b)(4)(ii)(A), (b)(4)(iv)(A) and (B), and (b)(4)(vii)(B).

The revisions and additions read as follows:

**§ 660.25 Permits.**

(b) \* \* \*

(1) \* \* \*

(i) *General.* In order for a vessel to fish in the limited entry fishery, the vessel owner must hold a limited entry permit and, through SFD, must register that vessel for use with a limited entry permit. When participating in the limited entry fishery, a vessel is authorized to fish with the gear type endorsed on the limited entry permit registered for use with that vessel, except that the MS permit does not have a gear endorsement. There are two types of gear endorsements: trawl and non-trawl. All limited entry permits, except the MS permit, have size endorsements; a vessel registered for use with a limited entry permit must comply with the vessel size requirements of this subpart. A sablefish endorsement is also required for a vessel to be used to fish in the primary season for the limited entry non-trawl sablefish fishery, north of 36° N lat. Certain limited entry permits will also have endorsements required for participation in a specific fishery, such as the MS/CV endorsement and the C/P endorsement.

(3) \* \* \*

(ii) *Gear endorsement.* There are two types of gear endorsements: trawl and non-trawl. Gear endorsement(s) assigned to the permit at the time of issuance will be permanent and shall not be modified. Vessels registered to a permit with a single limited entry non-trawl endorsement may use any legal non-trawl groundfish gear to harvest their quota, except entangling nets (defined at § 660.11, paragraph (4) of the definition for “Fishing gear”). An MS permit does not have a gear endorsement.

(iii) \* \* \*

(C) *Size endorsement requirements for sablefish-endorsed permits.* Notwithstanding paragraphs (b)(3)(iii)(A) and (B) of this section, when multiple permits are “stacked” on a vessel, as described in paragraph (b)(4)(iii) of this section, at least one of the permits must meet the size requirements of those sections. Any additional permits that are stacked for use with a vessel participating in the

limited entry non-trawl primary sablefish fishery may be registered for use with a vessel even if the vessel even if the vessel does not meet the size endorsed on the “stacked” permit.

(iv) \* \* \*

(A) *General.* Participation in the limited entry non-trawl sablefish fishery during the primary season north of 36° N lat., described in § 660.231, subpart E, requires that an owner of a vessel hold (by ownership or lease) a limited entry permit, registered for use with that vessel, with a non-trawl endorsement and a sablefish endorsement. Up to three permits with sablefish endorsements may be registered for use with a single vessel. Limited entry permits with sablefish endorsements are assigned to one of three different cumulative trip limit tiers, based on the qualifying catch history of the permit.

(C) \* \* \*

(1) *Qualifying criteria.* The three qualifying criteria for an ownership limitation exemption are: The vessel owner currently has no more than 20 percent ownership interest in a vessel registered to the sablefish endorsed permit, the vessel owner currently has ownership interest in Alaska sablefish individual fishing quota, and the vessel has fished in the past 12-month period in both the West Coast groundfish limited entry non-trawl fishery and the Sablefish IFQ Program in Alaska. The best evidence of a vessel owner having met these qualifying criteria will be State fish tickets or landing receipts from the West Coast States and Alaska. The qualifying vessel owner may seek an ownership limitation exemption for sablefish endorsed permits registered to no more than two vessels.

(vii) *Endorsement and exemption restrictions.* Gear endorsements, sablefish endorsements and sablefish tier assignments, and C/P endorsements may not be registered to another permit owner (*i.e.*, change in permit ownership or ownership interest) or to another vessel (*i.e.*, change in vessel registration) separately from the limited entry permit. At-sea processing exemptions, specified at paragraph (b)(6) of this section, are associated with the vessel and not with the limited entry permit and may not be registered to another permit owner or to another vessel without losing the exemption.

(4) \* \* \*

(i) \* \* \*

(H) A vessel may not be registered to any limited entry non-trawl permits with a sablefish endorsement until payment of all cost recovery program

fees required pursuant to § 660.231(c) has been made. The IAD, appeals, and final decision process for the cost recovery program is specified in § 660.231(c)(7)(i).

(ii) *Combining limited entry permits.* Two or more limited entry permits with gear endorsements for the same type of limited entry gear may be combined and reissued as a single permit with a larger size endorsement as described in paragraph (b)(3)(iii) of this section.

(A) *Sablefish-endorsed permit.* With respect to limited entry permits endorsed for non-trawl gear, a sablefish endorsement will be issued for the new permit only if all of the permits being combined have sablefish endorsements. If two or more permits with sablefish endorsements are combined, the new permit will receive the same tier assignment as the tier with the largest cumulative landings limit of the permits being combined.

\* \* \* \* \*

(iv) \* \* \*

(A) *General.* “Joint registration” of limited entry permits, as defined at § 660.11, is the practice of simultaneously registering both trawl-endorsed and non-trawl-endorsed limited entry permits for use with a single vessel.

(B) *Restrictions.* Subject to vessel size endorsements in paragraph (b)(3)(iii) of this section, any limited entry permit with a trawl endorsement and any limited entry permit with a non-trawl endorsement may be jointly registered for use with a single vessel but only in one of the following configurations:

(1) A single trawl-endorsed limited entry permit and one, two, or three sablefish endorsed non-trawl-endorsed limited entry permits; or

(2) A single trawl-endorsed limited entry permit and one non-trawl-endorsed limited entry permit for use with a single vessel.

\* \* \* \* \*

(vii) \* \* \*

(B) *Limited entry non-trawl and trawl-endorsed permits (without MS/CV or C/P endorsements).* Limited entry non-trawl and trawl-endorsed permits (without MS/CV or C/P endorsements) may not be registered for use with a different vessel more than once per calendar year, except in cases of death of a vessel owner or if the vessel registered to the permit is totally lost as defined in § 660.11. The exception for death of a vessel owner applies for a vessel owned by a partnership or a corporation if the person or persons with at least 50 percent of the ownership interest in the entity dies.

\* \* \* \* \*

#### § 660.55 [Amended]

■ 11. Amend § 660.55 by removing the words “fixed gear” wherever they appear, and adding, in their place, the word “non-trawl.”

■ 12. Amend § 660.60 by revising paragraphs (h)(7)(ii)(A)(2) and (h)(7)(ii)(B)(2) and (3) to read as follows:

#### § 660.60 Specifications and management measures.

\* \* \* \* \*

(h) \* \* \*

(7) \* \* \*

(ii) \* \* \*

(A) \* \* \*

(2) Vessels with a valid limited entry non-trawl permit fishing inside the Non-Trawl RCA with stationary vertical jig gear or groundfish troll gear as defined at § 660.320(b)(6). Vessels fishing with one of these two approved hook-and-line gear configurations may fish up to the limited entry non-trawl gear trip limits in tables 2b (north) and (south) of subpart E of this part, either inside or outside the Non-Trawl RCA. This provision only applies on fishing trips where the vessel made the appropriate declaration (specified at § 660.13(d)(4)(iv)(A)).

(B) \* \* \*

(2) *Vessel registered to a limited entry non-trawl permit.* Vessels registered to a limited entry non-trawl permit cannot cross over in the open access fishery.

(3) *Vessel jointly registered to more than one limited entry permit.* Vessels jointly registered (under the provisions at § 660.25(b)(4)(iv)(B)) may fish with open access gear (defined at § 660.11), excluding entangling nets (defined at § 660.11, paragraph (4) of the definition for “Fishing gear”), if they meet the requirements of paragraph (h)(7)(ii)(B)(1) of this section.

\* \* \* \* \*

■ 13. Amend § 660.112 by revising paragraph (b)(1)(xvii) to read as follows:

#### § 660.112 Trawl fishery—prohibitions.

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(xvii) When declared into the limited entry groundfish non-trawl Shorebased IFQ fishery, retain fish caught with non-trawl gear in more than one IFQ management area, specified at § 660.140(c)(1), on the same trip.

\* \* \* \* \*

■ 14. Amend § 660.140 by revising paragraphs (c)(2), (e)(1)(i), (k)(1) introductory text, and (k)(1)(iv) to read as follows:

#### § 660.140 Shorebased IFQ Program.

\* \* \* \* \*

(c) \* \* \*

(2) *Moving pot or trap gear between multiple IFQ management areas.* A vessel using non-trawl gear declared into the limited entry groundfish non-trawl Shorebased IFQ fishery may deploy pot or trap gear in multiple IFQ management areas on a trip provided the vessel does not retrieve gear from more than one IFQ management area during a trip.

\* \* \* \* \*

(e) \* \* \*

(1) \* \* \*

(i) *Gear exception.* Vessels registered to a limited entry trawl permit using the following gears would not be required to cover groundfish catch with QP or Pacific halibut catch with IBQ pounds: non-groundfish trawl, gear types defined in the coastal pelagic species FMP, gear types defined in the highly migratory species FMP, salmon troll, crab pot, and limited entry non-trawl gear when the vessel also has a limited entry permit endorsed for non-trawl gear and has declared that it is fishing in the limited entry non-trawl fishery. Vessels using gears falling under this exception are subject to the open access fishery restrictions and limits when declared into an open access fishery.

\* \* \* \* \*

(k) \* \* \*

(1) Participants in the Shorebased IFQ Program may take IFQ species using any legal groundfish non-trawl gear (*i.e.*, gear switching) and are exempt from the gear endorsements at § 660.25(b)(3) for limited entry non-trawl permits, provided the following requirements are met:

\* \* \* \* \*

(iv) The vessel must comply with prohibitions applicable to the limited entry non-trawl fishery as specified at § 660.212, gear restrictions applicable to limited entry non-trawl gear as specified in §§ 660.219 and 660.230(b), and management measures specified in § 660.230(d), including restrictions on the non-trawl gear allowed onboard, its usage, and applicable non-trawl groundfish conservation area restrictions, except that the vessel will not be subject to limited entry non-trawl trip limits when fishing in the Shorebased IFQ Program. Vessels using bottom longline and snap gears as defined at § 660.11 are subject to the requirements of the Seabird Avoidance Program described in § 660.21.

\* \* \* \* \*

**Table 1a (North) to Part 660, Subpart D [Amended]**

- 15. Amend table 1a (north) to part 660, subpart D, in note 1 by removing the words “limited entry fixed gear”.

**Table 1a (South) to Part 660, Subpart D [Amended]**

- 16. Amend table 1a (south) to part 660, subpart D, in note 1 by removing the words “limited entry fixed gear”.
- 17. Revise the heading of subpart E to part 660 to read as follows:

**Subpart E—West Coast Groundfish—Limited Entry Non-Trawl Fisheries****§ 660.210 [Amended]**

- 18. Amend § 660.210 by removing the words “fixed gear” wherever they appear and adding, in their place, the word “non-trawl”.
- 19. Amend § 660.211 by:
  - a. Revising the section heading;
  - b. Adding, in alphabetical order, the definition for “Ex-vessel value”;
  - c. Removing the definition for “Limited entry fixed gear fishery”;
  - d. Adding, in alphabetical order, the definition for “Limited entry non-trawl fishery”;
  - e. Revising the definitions for “Sablefish primary fishery”, “Sablefish primary season” and “Tier limit”; and
  - f. Removing the words “fixed gear” wherever they appear and adding, in their place, the word “non-trawl”.

The revisions and additions read as follows:

**§ 660.211 Non-trawl fishery—definitions.**

\* \* \* \* \*

*Ex-vessel value* means, for the purposes of the limited entry non-trawl sablefish primary fishery cost recovery program specified at § 660.231(c), all compensation received for sablefish landed to a sablefish endorsed permit and includes the value of all in-kind compensation and all other goods or services exchanged in lieu of cash.

*Limited entry non-trawl fishery* means the fishery composed of vessels registered to limited entry permits with a non-trawl endorsement.

*Sablefish primary fishery* means, for the limited entry non-trawl sablefish fishery north of 36° N lat., the fishery where vessels registered to at least one limited entry permit with both an endorsement for non-trawl gear and a sablefish endorsement fish up to a specified tier limit and when they are not eligible to fish in the DTL fishery.

*Sablefish primary season* means, for the limited entry non-trawl sablefish fishery north of 36° N lat., the period when vessels registered to at least one

limited entry permit with both an endorsement for non-trawl gear and a sablefish endorsement are allowed to fish in the sablefish primary fishery described at § 660.231 of this subpart.

*Tier limit* means a specified amount of sablefish that may be harvested by a vessel registered to a limited entry non-trawl permit(s) with a Tier 1, Tier 2, and/or Tier 3 designation; a gear endorsement for non-trawl gear; and a sablefish endorsement.

- 20. Amend § 660.212 by:
  - a. Revising the section heading;
  - b. Revising paragraph (c)(1) and adding paragraph (e); and
  - c. Removing the words “fixed gear” wherever they appear and adding, in their place, the word “non-trawl”.

The revisions read as follows:

**§ 660.212 Non-trawl fishery—prohibitions.**

\* \* \* \* \*

(c) \* \* \*

(1) Operate a vessel registered to a limited entry permit with a non-trawl or trawl endorsement and non-trawl gear onboard in an applicable GCA (as defined at § 660.230(d)), except for purposes of continuous transiting, with all groundfish non-trawl gear stowed in accordance with paragraph (a) of this section or except as authorized in the groundfish management measures at § 660.230.

\* \* \* \* \*

(e) *Cost Recovery*. (1) Fail to fully pay or collect any fee due under the cost recovery program specified at § 660.231 and/or otherwise avoid, decrease, interfere with, hinder, or delay any such payment or collection.

(2) Fail to maintain records as required by § 660.213 and/or fail to make reports to NMFS as required under § 660.213.

(3) Refuse to allow NMFS employees, agents, or contractors to review and audit all records and other information required to be maintained as set forth in § 660.213.

(4) Make any false statement to NMFS, including any NMFS employee, agent or contractor, concerning a matter related to the cost recovery program described in this subpart.

(5) Obstruct, prevent, or delay, or attempt to obstruct, prevent, or delay, any audit or investigation NMFS employees, agents, or contractors conduct, or attempt to conduct, in connection with any of the matters in the cost recovery program described in this subpart.

- 21. Amend § 660.213 by:

- a. Revising the section heading;
- b. Adding paragraph (f); and

- c. Removing the words “fixed gear” wherever they appear and adding, in their place, the word “non-trawl”.

The revision and addition read as follows:

**§ 660.213 Non-trawl fishery—recordkeeping and reporting.**

\* \* \* \* \*

(f) *Cost recovery program*. The vessel owner, as defined at § 660.11, is required to comply with the following recordkeeping and reporting requirements:

(1) *Reporting*. The vessel owner, or authorized representative, must submit a cost recovery form at the time cost recovery fees are paid to NMFS as specified at § 660.231(c). The cost recovery form requires providing information that may include, but is not limited to, vessel owner's name, address, phone number, permit number, month and year of landings, weight of landings, ex-vessel value, fish ticket numbers for landings, and fee due.

(2) *Recordkeeping*. The vessel owner or authorized representative must maintain the following records for all landings of sablefish in the primary fishery for at least 3 years:

- (i) The date of landing,
- (ii) The weight of sablefish landed,
- (iii) Information sufficient to specifically identify the fishing vessel which landed the sablefish,
- (iv) The ex-vessel value of sablefish,
- (v) The identity of the payee to whom the ex-vessel value is paid, if different than the vessel owner,
- (vi) The date the ex-vessel value was paid,
- (vii) The total fee amount collected as a result of all sablefish.

- 22. Amend § 660.216 by revising the section heading and paragraph (b) introductory text to read as follows:

**§ 660.216 Non-trawl fishery—observer requirements.**

\* \* \* \* \*

(b) *Notice of departure basic rule*. At least 48 hours before departing on a fishing trip, a harvesting vessel that has been notified by NMFS that it is required to carry an observer must notify NMFS (or its designated agent) of the vessel's intended time of departure, place or port of departure, and the gear type to be used.

\* \* \* \* \*

- 23. Amend § 660.220 by:

- a. Revising the section heading; and
- b. Removing the words “fixed gear” wherever they appear and adding, in their place, the word “non-trawl”.

The revision reads as follows:

**§ 660.220 Non-trawl fishery—crossover provisions.****■ 24. Amend § 660.230 by:**

- a. Revising the section heading;
- b. Revising paragraphs (a) and (b)(1);
- c. Removing paragraph (b)(2);
- d. Redesignating paragraphs (b)(3) through (6) as (b)(2) through (5);
- e. Revising newly redesignated paragraphs (b)(2) and (5);
- f. Revising paragraphs (c)(2) introductory text, (d) introductory text, (d)(2), (d)(5) through (14), and (g).

The revisions read as follows:

**§ 660.230 Non-trawl fishery—management measures.**

(a) *General.* Most species taken in limited entry non-trawl fisheries will be managed with cumulative trip limits (see trip limits in tables 2b (north) and (south) of this subpart), size limits (see § 660.60(h)(5)), seasons (see trip limits in tables 2b (north) and (south) of this subpart and sablefish primary season details in § 660.231), gear restrictions (see paragraph (b) of this section), and closed areas (see paragraph (d) of this section and §§ 660.70 through 660.79). Cowcod, yelloweye, and California quillback rockfish retention is prohibited in all fisheries, and groundfish vessels operating south of Point Conception must adhere to GEA restrictions (see paragraph (d)(16) of this section and § 660.70). Regulations governing tier limits for the limited entry non-trawl sablefish primary season north of 36° N lat. are found in § 660.231. Vessels not participating in the sablefish primary season are subject to weekly sablefish limits in addition to cumulative limits for each cumulative limit period. The trip limit for black rockfish caught with hook-and-line gear also applies, see paragraph (e) of this section. The trip limits in tables 2b (north) and (south) of this subpart apply to vessels participating in the limited entry groundfish non-trawl fishery and may not be exceeded.

(b) \* \* \*

(1) Non-trawl gear (defined at § 660.11, paragraph (8) of the definition for “Fishing gear”) except entangling nets (defined at § 660.1, paragraph (4) of the definition for “Fishing gear”) is authorized in the limited entry non-trawl fishery, providing the gear is in compliance with the restrictions set forth in this section, and gear identification and marking requirements described in § 660.219.

(2) All fixed gear (longline, trap or pot, and stationary hook-and-line gear, including commercial vertical hook-and-line gear) gear used in the limited

entry non-trawl fishery must be attended at least once every 7 days.

\* \* \* \* \*

(5) Inside the Non-Trawl RCA, only legal non-bottom contact hook-and-line gear configurations may be used for target fishing for groundfish by vessels that participate in the limited entry non-trawl sector as defined at § 660.11. On a fishing trip where any fishing will occur inside the Non-Trawl RCA, only one type of legal non-bottom contact gear may be carried on board, and no other fishing gear of any type may be carried on board or stowed during that trip. The vessel may fish inside and outside the Non-Trawl RCA on the same fishing trip, provided a valid declaration report as required at § 660.13(d) has been filed with NMFS OLE. Legal non-bottom contact hook-and-line gear means stationary vertical jig gear not anchored to the bottom and groundfish troll gear, subject to the specifications in paragraphs (b)(5)(i) and (ii) of this section.

\* \* \* \* \*

(c) \* \* \*

(2) For limited entry non-trawl vessels, the following species must be sorted:

\* \* \* \* \*

(d) *Groundfish conservation areas.* GCAs are defined by coordinates expressed in degrees of latitude and longitude. The latitude and longitude coordinates of the GCA boundaries are specified at §§ 660.70 through 660.74. A vessel that is authorized by this paragraph to fish within a GCA (e.g., fishing for “other flatfish” with hook and line gear only), may not simultaneously have other gear on board the vessel that is unlawful to use for fishing within the GCA. The following GCAs apply to vessels using bottom contact gear, defined at § 660.11, and include limited entry non-trawl (e.g., longline and pot/trap,) among other gear types.

\* \* \* \* \*

(2) *North coast commercial yelloweye rockfish conservation area.* The latitude and longitude coordinates of the North Coast Commercial Yelloweye Rockfish Conservation Area (YRCA) boundaries are specified at § 660.70, subpart C. Fishing with limited entry non-trawl gear is prohibited within the North Coast Commercial YRCA. It is unlawful to take and retain, possess, or land groundfish taken with limited entry non-trawl gear within the North Coast Commercial YRCA. Limited entry non-trawl vessels may transit through the North Coast Commercial YRCA with or without groundfish on board.

\* \* \* \* \*

(5) *Tillamook YRCA.* The latitude and longitude coordinates that define the Tillamook YRCA boundaries are specified at § 660.70, subpart C. Fishing with limited entry non-trawl gear is prohibited within the Tillamook YRCA on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with limited entry non-trawl gear within the Tillamook YRCA on dates when the closure is in effect. The closure is not in effect at this time. This closure may be implemented through inseason adjustment. Limited entry non-trawl vessels may transit through the Tillamook YRCA at any time, with or without groundfish on board.

(6) *Newport YRCA.* The latitude and longitude coordinates that define the Newport YRCA boundaries are specified at § 660.70, subpart C. Fishing with limited entry non-trawl gear is prohibited within the Newport YRCA on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with limited entry non-trawl gear within the Newport YRCA on dates when the closure is in effect. The closure is not in effect at this time. This closure may be implemented through inseason adjustment. Limited entry non-trawl vessels may transit through the Newport YRCA at any time, with or without groundfish on board.

(7) *Florence YRCA.* The latitude and longitude coordinates that define the Florence YRCA boundaries are specified at § 660.70, subpart C. Fishing with limited entry non-trawl gear is prohibited within the Florence YRCA on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with limited entry non-trawl gear within the Florence YRCA on dates when the closure is in effect. The closure is not in effect at this time. This closure may be implemented through inseason adjustment. Limited entry non-trawl vessels may transit through the Florence YRCA at any time, with or without groundfish on board.

(8) *Heceta Bank YRCA.* The latitude and longitude coordinates that define the Heceta Bank YRCA boundaries are specified at § 660.70, subpart C. Fishing with limited entry non-trawl gear is prohibited within the Heceta Bank YRCA on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with limited entry non-trawl gear within the Heceta Bank YRCA on dates when the closure is in effect. The closure is currently in effect. This closure may be modified through inseason adjustment. Limited entry non-trawl vessels may

transit through the Heceta Bank YRCA at any time, with or without groundfish on board.

(9) *Point St. George YRCA*. The latitude and longitude coordinates of the Point St. George YRCA boundaries are specified at § 660.70, subpart C. Fishing with limited entry non-trawl gear is prohibited within the Point St. George YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with limited entry non-trawl gear within the Point St. George YRCA, on dates when the closure is in effect. The closure is not in effect at this time. This closure may be imposed through inseason adjustment. Limited entry non-trawl vessels may transit through the Point St. George YRCA, at any time, with or without groundfish on board.

(10) *South Reef YRCA*. The latitude and longitude coordinates of the South Reef YRCA boundaries are specified at § 660.70, subpart C. Fishing with limited entry non-trawl gear is prohibited within the South Reef YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with limited entry non-trawl gear within the South Reef YRCA, on dates when the closure is in effect. The closure is not in effect at this time. This closure may be imposed through inseason adjustment. Limited entry non-trawl vessels may transit through the South Reef YRCA, at any time, with or without groundfish on board.

(11) *Reading Rock YRCA*. The latitude and longitude coordinates of the Reading Rock YRCA boundaries are specified at § 660.70, subpart C. Fishing with limited entry non-trawl gear is prohibited within the Reading Rock YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with limited entry non-trawl gear within the Reading Rock YRCA, on dates when the closure is in effect. The closure is not in effect at this time. This closure may be imposed through inseason adjustment. Limited entry non-trawl vessels may transit through the Reading Rock YRCA, at any time, with or without groundfish on board.

(12) *Point Delgada (North) YRCA*. The latitude and longitude coordinates of the Point Delgada (North) YRCA boundaries are specified at § 660.70, subpart C. Fishing with limited entry non-trawl gear is prohibited within the Point Delgada (North) YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with limited entry non-trawl gear within the Point Delgada (North) YRCA, on dates when

the closure is in effect. The closure is not in effect at this time. This closure may be imposed through inseason adjustment. Limited entry non-trawl vessels may transit through the Point Delgada (North) YRCA, at any time, with or without groundfish on board.

(13) *Point Delgada (South) YRCA*. The latitude and longitude coordinates of the Point Delgada (South) YRCA boundaries are specified at § 660.70, subpart C. Fishing with limited entry non-trawl gear is prohibited within the Point Delgada (South) YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with limited entry non-trawl gear within the Point Delgada (South) YRCA, on dates when the closure is in effect. The closure is not in effect at this time. This closure may be imposed through inseason adjustment. Limited entry non-trawl vessels may transit through the Point Delgada (South) YRCA, at any time, with or without groundfish on board.

(14) *Non-trawl Rockfish Conservation Area (RCA)*. The Non-Trawl RCA is defined at § 660.11 and with latitude and longitude coordinates, at §§ 660.71 through 660.74 or the EEZ, where fishing for groundfish with non-trawl gear is prohibited. Boundaries for the Non-Trawl RCA throughout the year are provided in the header to tables 2 (north) and (south) of this subpart and may be modified by NMFS inseason pursuant to § 660.60(c).

(i) It is unlawful to operate a vessel with limited entry non-trawl gear in the Non-Trawl RCA, except for the purpose of continuous transit, or when the use of limited entry non-trawl gear is authorized in this section. It is unlawful to take and retain, possess, or land groundfish taken with limited entry non-trawl gear within the Non-Trawl RCA, unless otherwise authorized in this section.

(ii) Limited entry non-trawl vessels may transit through the Non-Trawl RCA, with or without groundfish on board, provided all groundfish non-trawl gear is stowed either: below deck; or, if the gear cannot readily be moved, in a secured and covered manner and detached from all lines, so that it is rendered unusable for fishing.

(iii) The Non-Trawl RCA restrictions in this section apply to vessels registered to limited entry non-trawl permits fishing for species other than groundfish with non-trawl gear on trips where groundfish species are retained. Unless otherwise authorized in this section, a vessel may not retain any groundfish taken on a fishing trip for species other than groundfish that occurs within the Non-Trawl RCA. If a

vessel fishes in a non-groundfish fishery in the Non-Trawl RCA, it may not participate in any fishing for groundfish on that trip that is prohibited within the Non-Trawl RCA. [For example, if a vessel fishes in the salmon troll fishery within the RCA, the vessel cannot on the same trip fish in the sablefish fishery outside of the RCA.]

(iv) It is lawful to fish within the Non-Trawl RCA with limited entry non-trawl gear using hook and line gear only when trip limits authorize such fishing, provided that a valid declaration report as required at § 660.13(d), subpart C, has been filed with NMFS OLE.

(v) It is lawful to fish within the Non-Trawl RCA under the limited entry non-trawl trip limits specified in tables 2 (north) and (south) of this subpart only when using the non-bottom contact hook-and-line gear types described in paragraph (b)(5) of this section, and provided a valid declaration report as required at § 660.13(d), subpart C, has been filed with NMFS OLE.

(g) *Essential Fish Habitat Conservation Areas (EFHCA)*. EFHCAs, defined at § 660.11 and with latitude and longitude coordinates at §§ 660.75 through 660.79, apply to vessels using bottom contact gear, defined at § 660.11, within the limited entry non-trawl sector. EFHCAs closed to bottom contact gear are listed at § 660.12(a).

\* \* \* \* \*

■ 25. Amend § 660.231 by:

■ a. Revising the section heading;

■ b. Revising paragraphs (a), (b) paragraph heading, and (b)(1);

■ b. Removing and reserving paragraph (b)(2);

■ c. Adding paragraph (c); and

■ d. Removing the words “fixed gear” wherever they appear and adding, in their place, the word “non-trawl”.

The revisions and addition read as follows:

**§ 660.231 Limited entry non-trawl sablefish primary fishery.**

\* \* \* \* \*

(a) *Sablefish endorsement*. In addition to requirements pertaining to fishing in the limited entry non-trawl fishery (described in subparts C and E of this part), a vessel may not fish in the sablefish primary season for the limited entry non-trawl fishery, unless at least one limited entry permit with both a gear endorsement for non-trawl gear and a sablefish endorsement is registered for use with that vessel. Permits with sablefish endorsements are assigned to one of three tiers, as described at § 660.25(b)(3)(iv), subpart C.

(b) *Sablefish primary season for the limited entry non-trawl fishery* —(1)

*Season dates.* North of 36° N lat., the sablefish primary season for the limited entry non-trawl, sablefish-endorsement vessels begins on April 1 and closes on December 31, or closes for an individual vessel owner when the tier limit for the sablefish endorsement permit(s) registered to the vessel has been reached, whichever is earlier, unless otherwise announced by the Regional Administrator through the routine management measures process described at § 660.60(c).

\* \* \* \* \*

(c) *Sablefish primary fishery—cost recovery program—(1) Effective date.* The effective date for this subpart is August 6, 2026.

(2) *Compliance date:* Fishery participants will be required to comply with the requirements, as outlined in this subpart, once NMFS completes the necessary steps for implementation (e.g., collecting a full fiscal year of data to calculate the fee percentage) and issues the first announcement of the fee percentage under paragraph (c)(4)(ii) of this section. In no case will the compliance date begin earlier than December 1, 2027.

(3) *General.* The cost recovery program collects mandatory fees of up to 3 percent of the ex-vessel value of sablefish landed in the sablefish primary fishery in accordance with the Magnuson-Stevens Act. NMFS collects the fees to recover the actual costs directly related to the management, data collection, analysis, and enforcement of the sablefish primary fishery.

(4) *Fee percentage.* The annual fee percentage is calculated as described in paragraph (c)(4)(i) of this section. NMFS will establish the fee percentage each year and will announce the fee percentage in accordance with paragraph (c)(4)(ii) of this section. The fee percentage must not exceed 3 percent of the ex-vessel value of fish harvested, by sector, under the sablefish primary fishery, pursuant to the Magnuson-Stevens Act at 16 U.S.C. 1854(d)(2)(B).

(i) In the first quarter of each calendar year, NMFS will calculate the fee percentage based on information from the previous fiscal and calendar years. The fee percentage will be rounded to the nearest 0.1 percent and must not exceed 3 percent. NMFS will use the following equation to annually determine the fee percentage: Fee percentage = the lower of 3 percent or (DPC/V) × 100, where:

(A) “DPC,” or direct program costs, are the actual incremental costs for the previous fiscal year directly related to the management, data collection, and

enforcement of the sablefish primary fishery. Actual incremental costs mean those costs that would not have been incurred but for the implementation and administration of the sablefish primary fishery. If the amount of fees collected by NMFS is greater or less than the actual incremental costs incurred, the DPC will be adjusted accordingly for calculation of the fee percentage in the following year.

(B) “V” is, for the sablefish primary fishery, the total ex-vessel value, as defined at § 660.211, from the previous calendar year attributable to the sablefish primary fishery.

(ii) During the first quarter of each calendar year, NMFS will announce:

(A) The fee percentage to be applied to sablefish primary fishery landings, that will be in effect for the calendar year; and

(B) Information on how to pay into the Fund subaccount as specified at paragraph (c)(6) of this section.

(5) *Fee amount.* The fee amount is the ex-vessel value of the sablefish primary fishery landing, as defined at § 660.211, multiplied by the fee percentage as announced in accordance with paragraph (c)(2)(ii) of this section.

(6) *Fee applicability, collection, and payment.* (i) Fee applicability, payment, and collection in the sablefish primary fishery: Fees at the fee percentage rate announced in paragraph (c)(4)(ii) of this section begin applying on April 1 and continue without interruption through December 31 each year. The vessel owner or authorized representative must collect the fee upon each sablefish primary fishery landing made by their vessel. The payment of the collected fees is described below.

(A) The vessel owner or authorized representative may make payments for the fees throughout the primary season.

(B) NMFS will issue an annual bill in the first quarter of the year following the fishing year ending on December 31. The annual bill will deduct any earlier payments of fees from vessel owner or authorized representative.

(C) Each vessel owner or authorized representative must pay the fee identified in the annual bill upon issuance of the annual bill for the ex-vessel value, as defined at § 660.211. Payment of the fee must be received no later than 30 days of the issuance of the annual bill.

(ii) Upon issuance of the annual bill, which will deduct any fee payments made by the vessel owner throughout the primary season, the vessel owner or authorized representative shall disburse the fee amount identified in the annual bill by electronic payment to the <https://pay.gov> Fund subaccount. NMFS will

announce information about how to make an electronic payment to the Fund subaccount in the notification on fee percentage specified in paragraph (c)(4)(ii) of this section as well as on the bill. Each disbursement must be accompanied by a cost recovery form provided by NMFS. Recordkeeping and reporting requirements are specified in § 660.213(f). The cost recovery form will be available on the <https://pay.gov> website.

(7) *Failure to pay or collect.* (i) If NMFS determines the vessel owner or other responsible party has not submitted a complete cost recovery form and corresponding payment by the due date specified in paragraph (c)(6)(i)(A) of this section, NMFS will notify the vessel owner or other responsible party in writing via an initial administrative determination (IAD) letter.

(A) In the IAD, NMFS will state the discrepancy in payment and provide the person with 30 calendar days to either pay the specified amount due or appeal the IAD in writing.

(B) If the vessel owner or authorized representative appeals an IAD, the appeal must be emailed to NMFS at [cost.recovery.wcr@noaa.gov](mailto:cost.recovery.wcr@noaa.gov) no later than 30 calendar days after the date on the IAD. If the last day of the time period is a Saturday, Sunday, or Federal holiday, the time period will extend to the close of business on the next business day. The appeal must be in writing, must allege credible facts or circumstances, and must include any relevant information or documentation to support the appeal.

(C) NMFS will make a final decision according to the steps below.

(1) For the appeal of an IAD, the Regional Administrator shall appoint an appeals officer. After determining there is sufficient information and that all procedural requirements have been met, the appeals officer will review the record and issue a recommendation on the appeal to the Regional Administrator, which shall be advisory only. The recommendation must be based solely on the record. Upon receiving the findings and recommendation, the Regional Administrator, acting on behalf of the Secretary of Commerce, will issue a written decision on the appeal which is the final decision of the Secretary of Commerce.

(2) If the vessel owner or authorized representative does not appeal the IAD within 30 calendar days, NMFS will notify the vessel owner or other responsible party in writing via a final decision letter. The final decision will be from the Regional Administrator

acting on behalf of the Secretary of Commerce.

(3) If the final decision determines that the vessel owner is out of compliance, the final decision will require payment within 30 calendar days. If such payment is not received within 30 calendar days of issuance of the final decision, NMFS will refer the matter to the appropriate authorities for purposes of collection. NMFS will not register the vessel to any limited entry non-trawl permit with a sablefish primary fishery permit until the fees are paid.

(8) *Recordkeeping, reporting, and audits.* (i) Each vessel owner or authorized representative shall retain records in accordance with § 660.213(f).

(ii) Each vessel owner or authorized representative shall submit reports in accordance with § 660.213(f).

(iii) NMFS or its agents may audit, in whatever manner NMFS determines reasonably necessary for the duly diligent administration of the cost recovery program, the financial records of vessel owners, in order to ensure proper fee payment, collection, deposit, disbursement, accounting, recordkeeping, and reporting. Vessel

owners or authorized representatives must respond to any inquiry by NMFS or a NMFS agent within 20 calendar days of the date of issuance of the inquiry, unless an extension is granted by NMFS. Vessel owners or authorized representatives shall make all relevant records available to NMFS or NMFS's agents at reasonable times and places and promptly provide all requested information reasonably related to these records. NMFS may employ a third-party agent to conduct the audits. The NMFS auditor may review and request copies of additional data provided by the submitter, including, but not limited to, previously audited or reviewed financial statements, worksheets, tax returns, invoices, receipts, and other original documents substantiating the data submitted.

#### § 660.232 [Amended]

■ 26. Amend § 660.232 by removing the words “fixed gear” wherever they appear and adding, in their place, the word “non-trawl”.

■ 27. Amend table 2b (north) to part 660, subpart E, by revising the table heading to read as follows:

Table 2b (North) to Part 660, Subpart E—Trip Limits for Limited Entry Non-Trawl North of 40°10' N Lat.

■ 28. Amend table 2b (south) to part 660, subpart E, by revising the table heading to read as follows:

Table 2b (South) to Part 660, Subpart E—Trip Limits for Limited Entry Non-Trawl South of 40°10' N Lat.

■ 29. Amend § 660.330 by revising paragraph (g) to read as follows:

#### § 660.330 Open access fishery—management measures.

\* \* \* \* \*

(g) *Essential fish habitat conservation areas (EFHCA).* EFHCAs, defined at § 660.11 and with latitude and longitude coordinates at §§ 660.75 through 660.79, apply to vessels using bottom trawl gear or bottom contact gear, defined at § 660.11, among other gear types. EFHCAs closed to bottom contact gear are listed at § 660.12(a). EFHCAs closed to bottom trawl gear are listed at § 660.312(d).

\* \* \* \* \*

[FR Doc. 2026–14790 Filed 7–21–26; 8:45 am]

BILLING CODE 3510–22–P

# Proposed Rules

Federal Register

Vol. 91, No. 139

Wednesday, July 22, 2026

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Parts 353, 831, and 842

[Docket ID: OPM–2024–0014]

RIN 3206–AO54

### First Responder Fair RETIRE Act

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Personnel Management proposes regulations to carry out provisions of the First Responder Fair Return for Employees on Their Initial Retirement Earned Act. The Act allows covered Federal first responders who experience a qualifying duty-related illness or injury to continue receiving Federal retirement benefits in the same manner as though they had not experienced the disability. The proposed regulations would carry out the amendments the Act made to statutory provisions relating to the Civil Service Retirement System and the Federal Employees' Retirement System.

**DATES:** Comments must be received on or before September 21, 2026.

**ADDRESSES:** You may submit comments on the Federal eRulemaking Portal at <https://www.regulations.gov>. Follow the instructions for submitting comments.

Where possible, please arrange and identify your comments on the regulatory text by subpart and section number; if your comments relate to the supplementary information, please refer to the heading and page number. Comments received after the close of the comment period will be marked "late," and OPM is not required to consider them in formulating a final decision. OPM will consider all timely comments within the scope of this rulemaking. All comments and other submissions received generally will be posted at <https://regulations.gov> as they are received, without change, including any personal information provided. However, OPM retains discretion to redact personal or sensitive information,

including but not limited to, personal or sensitive information pertaining to third parties.

As required by 5 U.S.C. 553(b)(4), a summary of this rule may be found in the docket for this rulemaking at <https://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Alison Pastor by email at [RetirementPolicy@opm.gov](mailto:RetirementPolicy@opm.gov) with Attn: First Responder Fair RETIRE Act in the subject line, or by phone at (202) 606–0299.

**SUPPLEMENTARY INFORMATION:** The Office of Personnel Management (OPM) proposes regulations to carry out provisions of the First Responder Fair Return for Employees on Their Initial Retirement Earned Act (First Responder Fair RETIRE Act or the Act).<sup>1</sup> The Act permits covered Federal employees that have become disabled to receive retirement benefits in the same manner as if they had not become disabled. In enacting this legislation, Congress amended statutory provisions relating to two Federal retirement systems under OPM's authority—the Civil Service Retirement System (CSRS) and the Federal Employees' Retirement System (FERS)—and required that OPM issue corresponding regulations to carry out these statutory amendments. OPM therefore proposes regulations relating to CSRS and the FERS as described in this notice.

#### I. Background

OPM has governmentwide responsibility for, and oversight over, two Federal employment retirement systems: CSRS and FERS. These systems provide retirement and disability benefits to most of the civilian Federal workforce. Retirement coverage under one of these systems is generally determined by the employee's date of entrance into Federal service. Most employees who entered Federal service prior to January 1, 1984, are covered under CSRS, while most employees who entered Federal service on or after January 1, 1984, are covered under FERS.

Contributions into these systems and the resulting annuities are generally determined based on a combination of the age at retirement and years of service. Federal employees who

participate in these systems contribute 7% for CSRS and between 0.8% and 4.4% for FERS and, with 5 years of service, are eligible to receive monthly annuities beginning at age 62. Retiring earlier is possible, but annuities may be reduced if the employee is under age 62 and/or has less than 30 years of service. The annuity benefit is based on a percentage of the high-three average salary multiplied by the years and months of service.

This calculus of age and years of service to determine retirement benefits can be different for certain positions. Relevant to this rulemaking, CSRS and FERS authorize immediate early retirement benefits at age 50 for Federal employees who have completed 20 years of civilian service as a law enforcement officer, firefighter, customs and border protection officer, air traffic controller, nuclear materials courier, or member of the Capitol Police or Supreme Court Police. Employees in positions that qualify for these early enhanced retirement benefits are required to pay an extra one-half of one percent of basic pay in retirement contributions and their annuity is in turn based on a higher percentage of average salary. These employees are generally subject to maximum age entrance requirements and mandatory separation requirements. The enhanced retirement benefit provisions are designed to encourage a career in Federal service and make it economically feasible to retire early, while also allowing the Federal government to maintain an effective workforce in positions with rigorous duties.

Prior to the enactment of the First Responder Fair RETIRE Act, individuals who occupied these specialized positions and who were able to return to duty following an injury or illness were accommodated into other Federal positions, but often these new positions did not allow the employee to retain enhanced retirement coverage. For other Federal employees, current law requires placement into "equivalent positions" upon returning to work after a job-related injury or illness, which enables employees injured while on duty to continue to contribute their valuable skills and experience without losing retirement benefits associated with the prior position. However, in the case of law enforcement officers, firefighters,

<sup>1</sup> Public Law 117–225, 136 Stat. 2293 (Dec. 9, 2022).

customs and border protection officers, air traffic controllers, nuclear materials couriers, members of the Capitol Police, and members of the Supreme Court Police who are injured or become ill while on duty, returning to an equivalent covered, physically demanding position that remains subject to enhanced retirement provisions is often not possible.

#### *The First Responder Fair RETIRE Act*

The First Responder Fair RETIRE Act amended 5 U.S.C. 8336(c) (regarding CSRS) and 8412(d) (regarding FERS) and other retirement laws<sup>2</sup> so that enhanced retirement coverage is preserved for covered employees (called an “affected individual” in the Act) who become injured or ill as a direct result of the performance of duty with an injury or illness that permanently renders them unable to provide useful and efficient service in their covered position, if they are reemployed in a position under a qualifying reappointment, even if that position would not otherwise be subject to enhanced retirement provisions. To qualify for the benefits afforded under the Act, an affected individual must be certified by his or her employing agency as meeting several conditions, described below, relating to the position held when the employee incurred the qualifying injury or illness.

#### *Effective Date*

Affected individuals who incur a qualifying injury or illness on or after December 9, 2024, and who are current Federal employees are subject to the First Responder Fair RETIRE Act. The Act does not apply to employees who became injured or ill while on duty before December 9, 2024.

## **II. Proposed Amendments**

OPM proposes to amend 5 CFR parts 831 and 842 to carry out provisions of the First Responder Fair RETIRE Act, as required by the statute.

OPM specifically invites comments on whether, as a practical matter, there is any chance of applicability for CSRS employees, or whether amendments to 5 CFR part 831 should be omitted entirely to avoid confusion for agencies and employees.

#### *Reappointment With the Same Agency*

In section 3(e)(5) of the Act, Congress directed that OPM regulations ensure, to

the greatest extent possible, that agency heads appoint affected employees to supervisory or administrative (covered secondary) positions related to the activities of the former covered position of the employee. Thus, the first desired objective is to place affected employees in a covered position—that is, a position covered by special retirement provisions under the normal rules.

OPM is proposing to codify this objective in §§ 831.2603 and 842.1303. Only when that objective cannot be achieved do the provisions in section 2(a) and (b) of the Act become relevant. Those provisions establish conditions under which an affected employee who is placed in a non-covered position will be deemed to be in a covered position for retirement purposes. Those provisions do not place requirements on agencies or OPM to take actions to facilitate placements in positions that meet the conditions to qualify for deemed coverage.

#### *Qualifying Injury or Illness*

To preserve enhanced retirement coverage, the Act outlines four criteria that must be met. *First*, when the employee incurred the injury or illness, the employee must be serving in a position covered by enhanced retirement provisions reserved for law enforcement officers, customs and border protection officers, firefighters, air traffic controllers, nuclear materials couriers, members of the Capitol Police, or members of the Supreme Court Police. See 5 U.S.C. 8336(c), (e), (m), and (n), and 5 U.S.C. 8412(d) and (e). These positions have one of the following retirement codes on the Notification of Personnel Action, Standard Form 50, in the Executive Branch: O, 6, E, L, LF, LR, M, MF, MR, O, OF, OR, Q.

*Second*, the covered employee must have become injured or ill while on duty as a direct result of performance of the employee’s duties while in a covered position.

*Third*, the injury or illness must render the covered employee permanently unable to provide useful and efficient service in a covered position (as is determined by the agency that employed the covered employee when the employee incurred the injury or illness).

*Fourth*, the covered employee must not be eligible for immediate retirement or subject to mandatory separation based on age and service at the time of injury or illness.

In addition to these four criteria, an individual with a qualifying injury or illness must be reemployed in a position

under a qualifying reappointment to qualify for benefits under the Act.

OPM proposes capturing these requirements in its definition of a “qualifying condition” under §§ 831.2602 and 842.1302. The discussion of the required agency certification also addresses these requirements in more detail.

#### *Qualifying Reappointment*

When an affected individual returns to work in a non-covered position, certain requirements must be met under the First Responder Fair RETIRE Act for a covered employee to retain enhanced retirement coverage upon reappointment to a non-covered position. Specifically, for a position to qualify for coverage under the Act, the employee must have a qualifying reappointment that meets the following four criteria.

*First*, the position to which the employee is reappointed must be a position covered by CSRS or FERS.

*Second*, the position to which the employee is reappointed must not be otherwise subject to enhanced retirement provisions (*i.e.*, not a covered position).

*Third*, the position to which the employee is reappointed must be either within the same agency that employed the employee when the employee incurred the qualifying injury or illness, or with another agency that regularly appoints individuals to supervisory or administrative (covered secondary) positions related to the activities of the former covered position of the individual.

*Fourth*, the reappointment must occur without a break in service of more than 3 days.

OPM proposes capturing these requirements in its definition of a “qualifying reappointment” under §§ 831.2602 and 842.1302.

Section 2 of the First Responder Fair RETIRE Act communicates the sense of Congress that Federal agencies “should ensure, to the greatest extent possible, that an individual who can no longer carry out the duties of a covered position, and is reappointed to a position in the civil service that is not a covered position, is reappointed within the same Federal agency, in the same geographic location, and at a level of pay commensurate to the position which the individual held immediately prior to such injury or illness.” The “Sense of Congress” section further states that “it is in the best national and homeland security interests of the United States for Federal agencies to retain the specialized knowledge and experience of individuals who suffer an

<sup>2</sup> The Act also amends 50 U.S.C. 2152 (regarding retirement eligibility and benefits for employees of the Central Intelligence Agency) and 22 U.S.C. 4046 (regarding the Foreign Service Retirement and Disability System for employees of the Department of State). See 136 Stat. at 2295–2298. It also makes certain technical and conforming amendments. *Id.*

injury or illness while serving in a covered position.” Section 2 provides guiding principles for interpreting the statute, but it does not convey authority to issue regulations to achieve the stated objectives or to take other actions not otherwise permitted by law. OPM has broad authority to regulate the CSRS and the FERS (see 5 U.S.C. 8347(a) and 8461(g)). Nonetheless, that regulatory authority is limited to regulations that are necessary to “carry out” subchapter III of chapter 83 (the CSRS law) and chapter 84 (the FERS law). Section 2 is not part of those laws.

Section 3(e)(1) of the First Responder Fair RETIRE Act states that the OPM Director “shall promulgate regulations to carry out the amendments made by subsections (a) and (b) [of section 3].” Subsections (a) and (b) of section 3 deal with amendments to the CSRS and the FERS laws. Thus the section 3(e) regulatory authority does not reach to the principles found in section 2. OPM and agencies may seek to implement the Sense of Congress to the extent possible, but they must act within the bounds of applicable law and regulation. They must also have some authority under which the contemplated actions may be taken.

However, the Sense of Congress can be connected to the requirements in 5 U.S.C. 8151, a provision in the Federal employee workers’ compensation law that provides for reemployment and retention rights for individuals who resume employment after overcoming injury or disability. OPM has authority to regulate section 8151 (see section 8151(b)). Accordingly, OPM is proposing to specifically address in §§ 353.102, 353.110, and 353.301 the application of the workers’ compensation law to affected individuals under the First Responder Fair RETIRE Act. If it is not possible to reemploy the employee in a position in the same employing agency, that agency should seek OPM assistance with placing the employee in accordance with § 353.110(b).

In addition, OPM has determined that the pay retention provisions in 5 U.S.C. 5363 can be applied to an affected individual who would otherwise experience a reduction in his or her rate of basic pay upon placement in a non-covered position that is covered by a different pay schedule (see 5 CFR 536.301(a)(4)), as long as all conditions in the pay retention law and regulations are met. OPM has determined that a placement of an employee in a non-covered position due to a work-related injury or illness can be considered a qualifying “management action” (as defined in 5 CFR 536.103). OPM notes

that employees with a temporary or term appointment are not eligible for pay retention under 5 U.S.C. 5363 (see 5 U.S.C. 5361(1)). OPM also notes that section 5363 applies only to employees serving in positions covered by the General Schedule or Federal Wage System after the action that results in a reduction in the employee’s rate of basic pay. Independent agency pay systems may provide similar pay retention benefits.

#### *Break in Service*

To qualify for coverage under the Act, an employee’s break in service between employment in the covered position and the qualifying reappointment cannot exceed 3 days. Time the employee is receiving compensation benefits from the Office of Workers’ Compensation Program (OWCP) or using leave (including leave without pay) is not considered a break in service. Under the provisions of the First Responder Fair RETIRE Act, excess leave without pay (that is, leave without pay of more than 6 months in a calendar year) is not considered a break in service for purposes of meeting the qualifying reappointment requirements under the Act. Leave without pay that exceeds 6 months in any calendar year, however, continues to not be creditable under CSRS or FERS when calculating total service for retirement benefits.

OPM proposes capturing this requirement in its definition of a “break in service,” under §§ 831.2602 and 842.1302, as well as in §§ 831.2610(a) and 842.1310(a).

#### *Deemed Covered Position*

The Act allows an employee who is in a covered position, who sustains a qualifying injury or illness, and who is appointed or reappointed to a position under a qualifying reappointment to be deemed, for retirement purposes, in a covered position while serving in the new position. That is, service in a non-covered position will be treated as service subject to enhanced retirement provisions until the employee reaches the age and service requirements for mandatory separation that applied to the former covered position.

OPM proposes codifying this language in its definition of “deemed covered,” under §§ 831.2602 and 842.1302.

#### *Agency Certification Requirement*

The Act requires that the head of the agency where the employee in a covered position incurred the qualifying injury or illness (“employing agency”) must certify that such injury or illness:

(1) was incurred while on duty;

(2) was a direct result of the performance of those duties;

(3) rendered the employee permanently unable to provide useful and efficient service in the covered position; and

(4) would not preclude the individual from continuing to serve in the Federal service.

OPM proposes capturing these agency certification requirements under §§ 831.2605 and 842.1305. OPM is proposing that, for the purposes of the relevant subparts in part 831 and part 842, *agency head* would be deemed to include the designated representative of the agency head at any level within the agency. OPM recognizes that this review may require assessment of medical information and position-specific requirements so an agency head may choose to assign the certification function to a Chief Medical Officer or another agency-specific position that is well-suited to these types of determinations.

The Act requires that the injury or illness be “a direct result” of the performance of the duties of the covered position. OPM is addressing the first and second aspects of this certification through the definition of the phrase “while on duty”—the statutory phrase—to mean while performing work under the control or direction of the agency. OPM believes this would capture injuries or illnesses directly resulting from performance of duties within the scope of employment (*i.e.*, the duties of the covered position). As discussed in the Regulatory Alternative section, OPM welcomes comment on this definition.

OPM addresses the third aspect of this certification through the definition for “useful and efficient service.” OPM proposes that an employee would be considered unable to provide useful and efficient service if the employee could not provide acceptable performance of the critical or essential elements of the covered position and also demonstrate satisfactory conduct and attendance. This is consistent with OPM’s long-term interpretation of useful and efficient service.

#### *Declining Deemed Covered Position Treatment*

Under the Act, an employee returning to work after a qualifying injury or illness who meets all requirements to retain enhanced retirement coverage in a deemed covered position may elect to decline the benefits afforded under the First Responder Fair RETIRE Act. The employee would need to affirmatively elect not to have service performed in a qualifying reappointment as deemed covered service for purposes of these

provisions. Agencies that employ eligible employees after a qualifying injury or illness must provide the employee with the opportunity to waive deemed coverage. These waivers are irrevocable.

OPM proposes outlining waiver opportunity rights under §§ 831.2607 and 842.1307.

#### *Employee Retirement Deductions and Agency Contributions*

Unless the employee waives deemed coverage under the First Responder Fair RETIRE Act, employee retirement deductions must be withheld from the employee's basic pay at the same percentage withheld for the covered position that the employee held before incurring the qualifying injury or illness. This employee deduction percentage is generally one half of one percent higher than the deduction rate applicable to employees not subject to enhanced retirement coverage. The agency must continue to contribute the full normal cost for FERS-covered employees, based on the covered position the employee occupied before incurring the qualifying injury or illness. The agency contribution for CSRS-deemed covered employees is 7.5 percent. Once the employee reaches the age and service requirements for mandatory separation that applied to the former covered position, the employee deductions must decrease to the deduction percentages applicable to the employee category listed under 5 U.S.C. 8334(c) and 8422(a)(3) typically assigned to the affected individual's non-covered position, and the agency contribution percentages must decrease to the contribution percentages applicable to the employee category listed under 5 U.S.C. 8334(c), 5 U.S.C. 8442(a)(3), and 5 CFR 841.403 typically assigned to the affected individual's non-covered position.

OPM proposes maintaining agency deductions and employee contributions for a deemed cover position under §§ 831.2609 and 842.1309.

#### *Subsequent Transfers or Separations*

Under the Act, an employee who has established entitlement to retain enhanced retirement coverage in a deemed covered position may transfer to another agency and continue to retain enhanced coverage in a subsequent position provided there is no break in service greater than 3 days from the employee's prior covered position, and the new appointment is also a qualifying reappointment. A break in service of more than 3 days, or a transfer to a non-covered position in an agency that does not regularly appoint

individuals to secondary positions related to the employee's prior covered position, terminates deemed coverage under the First Responder Fair RETIRE Act. An employee in a deemed covered position who subsequently obtains a position that the employing agency designated as covered under 5 U.S.C. 8336(c), (e), (m), or (n), or 8412(d) or (e) will no longer be covered by the provisions of the Act. The prospective termination of deemed coverage does not affect the creditability of the past service under the First Responder Fair RETIRE Act.

For law enforcement officers, firefighters, nuclear materials couriers, and customs and border protection officers, time served in a deemed covered position satisfies the direct transfer requirement from a primary/rigorous position to a secondary position under OPM's regulations, provided the transfer occurs without a break in service exceeding 3 days.

OPM proposes codifying the conditions for maintaining deemed covered treatment under §§ 831.2610 and 842.1310.

#### *Administrative Review*

Agency determinations and actions taken to implement the First Responder Fair RETIRE Act must be provided to the employee in writing and must include notice of the right to appeal the agency's decision to the Merit Systems Protection Board (MSPB). Employees may appeal to the MSPB a decision that affects their rights and interests under chapters 83 and 84 of title 5, United States Code.

OPM proposes codifying these notice and due process requirements under §§ 831.2606 and 842.1306 and §§ 831.2612 and 842.1312, respectively.

#### *Retirement Benefits*

When OPM receives an application for retirement from an employee subject to the First Responder Fair RETIRE Act, OPM will calculate the retirement benefit as if the employee were retiring under enhanced retirement provisions under 5 U.S.C. 8336(c), (e), (m), and (n), or 8412(d) and (e), as is applicable, unless the employee filed for a waiver of coverage. For FERS retirees, this includes the application of special provisions applicable to employees in covered positions for cost-of-living adjustments and for establishing entitlement to, and computing, a FERS annuity supplement.

OPM proposes codifying requirements for retirement and benefits under §§ 831.2611 and 842.1311.

#### *Mandatory Separation Age*

Under the Act, employees who return to work in deemed covered positions after a qualifying injury or illness are not subject to the mandatory separation provisions found at 5 U.S.C. 8335 and 8425. However, once the employee attains the requisite age and service requirements normally triggering mandatory separation, retirement deductions and agency contributions revert to the levels required for employees in non-covered positions, and the employee ceases to be in a deemed covered position.

OPM proposes codifying requirements for retirement and benefits under §§ 831.2611 and 842.1311.

#### *Pay Authorities*

The First Responder Fair RETIRE Act provides that placement in a deemed covered position does not make an employee eligible for pay that may have applied to the employee in the prior covered position. An employee in a deemed covered position must meet the normally applicable requirements in the pay laws and regulations in order to receive pay under those provisions. A deemed covered position is not considered a covered position for pay purposes. For example, an employee who is a law enforcement officer as defined in 5 U.S.C. 5541(3), which links to the definitions in the retirement laws, is entitled to special base rates at GS grades 3 to 10, and an employee who is a wildland firefighter as defined in 5 U.S.C. 5332a is entitled to special base rates at GS grades 1 to 15. However, those special base rates would not apply to an employee in a deemed covered position. Also, law enforcement availability pay (LEAP) is payable only to a criminal investigator who is a law enforcement officer as defined in 5 U.S.C. 5541(3); thus, LEAP would not be payable to an employee in a deemed covered position, since the actual position held does not meet eligibility conditions in the LEAP law. Similarly, the Border Patrol overtime supplement under 5 U.S.C. 5550 applies only to employees who are actual border patrol agents. An employee in a deemed covered position may meet the conditions to receive administratively uncontrollable overtime (AUO) pay under 5 U.S.C. 5545(c)(2), but any AUO pay received would not be retirement-creditable basic pay since such treatment is reserved for employees in a law enforcement position as defined in the retirement law (5 U.S.C. 8331(3)(D) and 5 U.S.C. 8401(4)).

OPM proposes addressing this limitation under §§ 831.2604(c) and 842.1304(c).

### III. Regulatory Analysis

#### A. Statement of Need

Employees serving in law enforcement, firefighting, air traffic control, nuclear materials transport, or border patrol mission capacities have some of the most dangerous Federal positions. It follows that these employees in these covered positions are more likely than employees in non-covered positions to become ill or injured while on the job. The First Responder Fair RETIRE Act is designed to allow these affected individuals to maintain their Federal careers and retain enhanced retirement coverage, rather than forcing them out of Federal service through a medical retirement. Whereas, historically, covered employees may have sought to hide a job-related illness or injury based on fear of losing their position entirely, the Act provides an alternative path that allows them to maintain their original retirement benefits.

Before the enactment of the Act, eligible employees had no options but to forfeit their enhanced retirement contributions and forgo their enhanced retirement benefits, or alternatively to apply for a disability retirement, if they met the eligibility requirements under 5 U.S.C. 8337 and 8451 and forgo their Federal careers. Neither of these options allowed for eligible employees to simultaneously enjoy a meaningful and continuous Federal career in their similar field and enjoy the enhanced benefits that they originally received.

#### B. Regulatory Alternatives

Because the Act requires OPM to implement the statutory retirement protections, OPM did not consider an alternative under which no regulations would be issued. OPM did, however, consider alternative approaches to certification procedures, waiver timing, treatment of Department of Labor determinations, and the interaction between deemed covered service and part 353 restoration rights. OPM invites comment on whether the proposed approach appropriately balances administrative workability, employee protections, and fidelity to the statutory text.

OPM specifically invites comment on how it should treat duty-related injuries that occur during official travel, emergency callbacks, required training, commuting exceptions, on-call response, or other duty-connected contexts outside of scheduled work

hours, and whether its proposed regulatory definition of “while on duty” combined with the statutory language “as a direct result of the performance of such duties” is sufficient.

Since instances of willful misconduct and other prohibited acts fall outside the scope of the employee’s duties, injuries or illnesses incurred from those prohibited acts would not be considered a direct result of the performance of duties. Even if such an act occurs “while on duty,” an employee’s willful misconduct would sever the link needed in order for an injury or illness to directly result from the performance of the employee’s assigned duties, and thus the employee would be ineligible to benefit from the Act. This determination would be made in the course of the agency certification, as it speaks to the requirements for what can be considered a “qualifying condition.”

#### C. Impact

While there are approximately 220,000 federal employees who are currently subject to the CSRS or the FERS enhanced retirement provisions and who could potentially be affected by this rule, OPM anticipates that only about 10,000 employees currently subject to enhanced retirement provisions will become injured or ill while on duty. Of these 10,000 potentially affected employees, OPM anticipates that there will only be approximately 215 employees who will be unable to secure positions in primary or secondary positions subject to enhanced retirement provisions after becoming ill or injured as part of their job duties, which would allow this affected population to otherwise retain enhanced retirement coverage under other provisions. Therefore, the estimated number of employees who will likely be subject to the First Responder Fair RETIRE Act represents less than one-tenth of one percent of the total number of employees in enhanced retirement positions. Accordingly, OPM does not anticipate this regulation will have a significant impact on the economy or have a large impact in local labor markets.

#### D. Costs

This proposed rule does have costs associated with it, which will primarily be incurred by employing agencies. Agencies will have to invest resources into placing employees in covered secondary positions (if possible), evaluating and certifying affected individuals and their qualifying conditions in connection with establishing deemed covered positions, and making up the difference in agency

retirement contributions for the length of time affected individuals serve in their deemed covered positions. (OPM notes the costs of higher agency retirement contributions are imposed by statute, not by these regulations.)

#### E. Benefits

This proposed rule would enable the agencies with a law enforcement, firefighting, air traffic control, nuclear materials transport, or border patrol mission to retain employees who meet certain specialized knowledge requirements for a first responder covered position, but serve in adjacent roles in non-covered positions because they no longer satisfy the strict physical fitness requirements for a covered position. It would enhance agency retention of employees with experience in the field, expand opportunities for mentorship, and disincentivize employees who no longer meet the requirements for a covered position from remaining in that position longer than necessary.

### IV. Procedural Issues and Regulatory Review

#### A. Severability

OPM proposes that, if any of the provisions of this proposed rule as finalized are held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, it would be severable from its respective section(s) and not affect the remainder thereof or the application of the provision to other persons not similarly situated or to other dissimilar circumstances. For example, if a court were to invalidate any portions of this proposed rule as finalized imposing procedural requirements on agencies relating to the CSRS, the other portions of the rule—including the portions relating to the FERS—would independently remain workable and valuable. In carrying out its statutory obligations under the First Responder Fair RETIRE Act, OPM will comply with all applicable legal requirements.

#### B. Regulatory Review

OPM has examined the impact of this rule as required by E.O.s 12866 and 13563, which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public, health, and safety effects, distributive impacts, and equity). A regulatory impact analysis must be prepared for rules that have an annual effect on the economy of \$100

million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. This rulemaking does not reach that threshold but has otherwise been designated a “significant regulatory action” under section 3(f) of Executive Order 12866. This rule is not expected to be considered an Executive Order 14192 regulatory action because it imposes no more than de minimis costs.

### C. Regulatory Flexibility Act

The Director of the Office of Personnel Management certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities because it only applies to Federal agencies and employees.

### D. Federalism

This rulemaking will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132 (Aug. 10, 1999), this rulemaking does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

### E. Civil Justice Reform

OPM has reviewed this rulemaking and has determined that this action conforms to the applicable standards set forth in Section 3(a) and (b)(2) of Executive Order 12988 (Feb. 7, 1996).

### F. Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits before issuing any rule that would impose spending costs on State, local, or tribal governments in the aggregate, or on the private sector, in any 1 year of \$100 million in 1995 dollars, updated annually for inflation. That threshold is currently approximately \$206 million. This rulemaking will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, in excess of the threshold. Thus, no written assessment of unfunded mandates is required.

### G. Paperwork Reduction Act

This regulatory action will not impose any reporting or recordkeeping

requirements subject to the Paperwork Reduction Act.

### List of Subjects

#### 5 CFR Part 353

Administrative practice and procedure, Government employees.

#### 5 CFR Part 831

Customs and Border Protection officers, Firefighters, Law enforcement officers, Nuclear materials couriers, Retirement.

#### 5 CFR Part 842

Air traffic controllers, Basic annuity, Customs and Border Protection officers, Eligibility, Firefighters, Law enforcement officers, Members of the Capitol or Supreme Court police, Nuclear materials couriers.

### Signing Statement

The Director of OPM, Scott Kupor, reviewed and approved this document and has authorized the undersigned to electronically sign and submit this document to the Office of the Federal Register for publication.

Office of Personnel Management.

**Jerson Matias,**

*Federal Register Liaison.*

For the reasons stated in the preamble, the Office of Personnel Management proposes to amend 5 CFR parts 353, 831, and 842 to read as follows:

## PART 353—RESTORATION TO DUTY FROM UNIFORMED SERVICE OR COMPENSABLE INJURY

- 1. Revise the authority citation for part 353 to read as follows:

**Authority:** 38 U.S.C. 4301 *et seq.*; 5 U.S.C. 8151; sec. 3(e)(5), Pub. L. 117–225, 136 Stat. 2298 (5 U.S.C. 8336 note).

### Subpart A—General Provisions

- 2. Amend § 353.102 by revising the definition for “Partially recovered” to read as follows:

#### § 353.102 Definitions.

\* \* \* \* \*

*Partially recovered* means an injured employee, though not ready to resume the full range of his or her regular duties, has recovered sufficiently to return to part-time or light duty or to another position with less demanding physical requirements. A partially recovered employee may fully recover and may be entitled to the rights accorded individuals who fully recover.

\* \* \* \* \*

- 3. Amend § 353.110 by revising paragraph (b) to read as follows:

#### § 353.110 OPM placement assistance.

\* \* \* \* \*

(b) *Employee returning from compensable injury, including an employee who is reappointed to a position in the executive branch under subpart Z of part 831 or subpart M of part 842 of this chapter.* Unless otherwise specified, OPM will provide placement assistance to an employee with restoration rights in the executive, legislative, or judicial branches who cannot be placed in his or her former agency and who either has competitive status or is eligible to acquire it under 5 U.S.C. 3304(i). If the employee’s agency is abolished and its functions are not transferred, or it is not possible for the employee to be restored in his or her former agency, the employee is eligible for placement assistance under the Interagency Career Transition Assistance Plan (ICTAP) under part 330, subpart G, of this chapter.

### Subpart C—Compensable Injury

- 4. Amend § 353.301 by revising paragraphs (c) and (d) to read as follows:

#### § 353.301 Restoration rights.

\* \* \* \* \*

(c) *Physically disqualified.* An individual who is physically disqualified for the former position or equivalent because of a compensable injury, is entitled to be placed in another position for which qualified that will provide the employee with the same status, and pay, or the nearest approximation thereof, consistent with the circumstances in each case. For purposes of this section, “affected individuals,” as defined in § 831.2602 or 842.1302, are deemed to be physically disqualified. This right is agencywide and applies for a period of 1 year from the date eligibility for compensation begins. After 1 year, the individual is entitled to the rights accorded individuals who fully or partially recover, as applicable.

(d) *Partially recovered.* Agencies must make every effort to restore in the local commuting area, according to the circumstances in each case, an individual who has partially recovered from a compensable injury and who is able to return to limited duty or other position for which the individual is qualified. This includes affected individuals covered under subpart Z of part 831 or subpart M of part 842 of this chapter. At a minimum, this would mean treating these employees substantially the same as other handicapped individuals under the Rehabilitation Act of 1973, as amended. (See 29 U.S.C. 791(b) and 794.) If the

individual fully recovers, he or she is entitled to be considered for the position held at the time of injury, or an equivalent one. A partially recovered employee is expected to seek reemployment as soon as he or she is able.

## PART 831—RETIREMENT

### ■ 5. Revise the authority citation for part 831 to read as follows:

**Authority:** 5 U.S.C. 8347. Sec. 831.102 also issued under 5 U.S.C. 8334. Sec. 831.106 also issued under 5 U.S.C. 552a. Sec. 831.114 also issued under sec. 1313(b)(5), Pub. L. 107–296, 116 Stat. 2296. Sec. 831.201(b)(6) also issued under 5 U.S.C. 7701(b)(2). Sec. 831.201(g) also issued under secs. 11202(f), 11232(e), and 11246(b), Pub. L. 105–33, 111 Stat. 251; sec. 7(e), Pub. L. 105–274, 112 Stat. 2427. Sec. 831.201(i) also issued under secs. 3 and 7(c), Pub. L. 105–274, 112 Stat. 2419. Sec. 831.202 also issued under sec. 111, Pub. L. 99–500, 100 Stat. 1783; sec. 1, Pub. L. 110–279, 122 Stat. 2604. Sec. 831.204 also issued under sec. 102(e), Pub. L. 104–8, 109 Stat. 102, as amended by sec. 153, Pub. L. 104–134, 110 Stat. 1321. Sec. 831.205 also issued under sec. 2207, Pub. L. 106–265, 114 Stat. 784. Sec. 831.206 also issued under sec. 1622(b), Pub. L. 104–106, 110 Stat. 521. Sec. 831.301 also issued under sec. 2203, Pub. L. 106–265, 114 Stat. 780. Sec. 831.303 also issued under sec. 2203, Pub. L. 106–265, 114 Stat. 780. Sec. 831.502 also issued under E.O. 11228, 78 FR 7739, 3 CFR, 1965 Comp. p. 317. Sec. 831.682 also issued under sec. 201(d), Pub. L. 99–251, 100 Stat. 23. Sec. 831.912 also issued under app. C, tit. VI, sec. 636, Pub. L. 106–554, 114 Stat. 2763A–164. Subpart P also issued under div. E, title V, sec. 535, Pub. L. 110–161, 121 Stat. 2075. Subpart V also issued under tit. VI, sec. 6001, Pub. L. 100–203, 101 Stat. 1330–275. Sec. 831.2203 also issued under sec. 7001(a)(4), Pub. L. 101–508, 104 Stat. 1388–328. Subpart Z also issued under 5 U.S.C. 8336(c); sec. (3)(e)(f), Pub. L. 117–225, 136 Stat. 2298.

### ■ 6. Add subpart Z to read as follows:

#### Subpart Z—Special Retirement Provisions for Certain Duty-Related Illnesses or Injuries

Sec.  
831.2601 Scope.  
831.2602 Definitions.  
831.2603 Reappointment to a covered position.  
831.2604 Continuation of enhanced retirement coverage in a deemed covered position.  
831.2605 Agency certification.  
831.2606 Notice.  
831.2607 Waiver.  
831.2608 Reappointment to a secondary position.  
831.2609 Employee deductions and agency contributions.  
831.2610 Post-qualifying return treatment and loss of deemed coverage.  
831.2611 Retirement benefits.  
831.2612 Appeal rights.

#### § 831.2601 Scope.

The regulations in this subpart apply to law enforcement officers and firefighters (as those terms are defined in subpart I of this part), nuclear materials couriers (as defined in § 831.802), customs and border protection officers (as defined in § 831.1602), air traffic controllers, and members of the Capitol Police and Supreme Court Police who fall under the Civil Service Retirement System and who have incurred a qualifying injury or illness while on duty as a direct result of the performance of their duties on or after December 9, 2024. The regulations address the employing agency's obligation, to the greatest extent possible, to place such an employee in a supervisory or administrative position covered by the special enhanced retirement provisions for such positions. The regulations further address the conditions under which an employee can be placed in a non-covered position but have deemed coverage under the special enhanced retirement provisions, if placement in a covered position is not possible. Treatment as serving in a deemed covered position under this subpart applies only for retirement credit, deduction, contribution, and annuity computation purposes and does not confer eligibility for pay-related laws or regulations applicable to an actual covered position.

#### § 831.2602 Definitions

In this subpart—

*Affected individual* means an employee who was serving in a covered position when the employee incurred a qualifying injury or illness while on duty as a direct result of the performance of those duties that permanently rendered the employee unable to provide useful and efficient service in the individual's prior covered position (as certified by the employing agency under § 831.2605).

*Agency* means an executive branch agency as defined under 5 U.S.C. 105; a legislative branch agency; a judicial branch agency; and the U.S. Postal Service and Postal Regulatory Commission.

*Agency head* has the same meaning as that term is defined under § 831.902 for law enforcement officers and firefighters; § 831.1602 for customs and border protection officers; § 831.802 for nuclear materials couriers; and *agency head* means the Capitol Police Board for members of the Capitol Police and the Marshal of the Supreme Court of the United States for members of the Supreme Court Police. For the purposes of this subpart, *agency head* is also deemed to include the designated

representative of the *agency head*, as defined in the first sentence of the definition, at any level within the agency.

*Break in service* means a break in service lasting more than 3 days. A period where an affected individual is receiving benefits under the Federal Employees' Compensation Act (FECA) is not considered a break in service for purposes of this subpart.

*CSRS* means the Civil Service Retirement System as described in 5 U.S.C. chapter 83, subchapter III.

*Covered position* means a position subject to enhanced retirement coverage as a law enforcement officer, customs and border protection officer, firefighter, air traffic controller, nuclear materials courier (as those terms are defined under 5 U.S.C. 8331), or member of the Capitol Police or Supreme Court Police.

*Deemed covered position* means a non-covered position, as defined under this section, that is subject to enhanced retirement coverage under this subpart.

*Employing agency* means the agency that employed the affected individual in a covered position when the affected individual incurred a qualifying injury or illness.

*Enhanced retirement coverage* means coverage subject to higher employee deductions and agency contributions under 5 U.S.C. 8334(c); higher accrual rates under 5 U.S.C. 8339(d), (q), and (r); early immediate retirement eligibility under 5 U.S.C. 8336(c), (e), (m), and (n); and mandatory separation under 5 U.S.C. 8335.

*Non-covered position* means a position covered under the Civil Service Retirement System (CSRS) that is not subject to enhanced retirement coverage and is not a primary or secondary position as a law enforcement officer, customs and border protection officer, firefighter, air traffic controller, or nuclear materials courier (as those terms are defined under this part), nor a member of the Capitol Police or Supreme Court Police.

*Office* means the Office of Personnel Management.

*Prior covered position* means the covered position the affected individual held at the time of incurring the qualifying condition.

*Qualifying condition* means an injury or illness an employing agency determines was incurred by an employee in a covered position—

- (1) while on duty;
- (2) as a direct result of the performance of those duties;
- (3) that renders the employee permanently unable to provide useful and efficient service in the covered position; and

(4) that occurred prior to the date the employee otherwise would have met the age and service requirements necessary to be eligible for immediate retirement under 5 U.S.C. 8336(c), (e), (m), or (n), as applicable, or would have otherwise been subject to mandatory separation under 5 U.S.C. 8335(a)–(d), as applicable.

*Qualifying reappointment* means an appointment of an affected individual to a non-covered position:

(1) within the same employing agency as the prior covered position, or within an agency that regularly appoints employees to secondary positions related to the prior covered position; and

(2) without a break in service; but

(3) does not include an appointment to a secondary position that is otherwise subject to coverage under § 831.804, 831.904, or 831.1604.

*Reappointing agency* means the agency that appointed an affected individual to a qualifying reappointment after the affected individual incurred a qualifying condition.

*Related secondary position* means a secondary position that is related to the activities of an affected individual's former covered position.

*Secondary position* has the same meaning as the term is defined under § 831.802 for nuclear materials couriers; § 831.902 for law enforcement officers and firefighters; and § 831.1602 for customs and border protection officers. A secondary position is a position that qualifies as a covered position based on qualifying supervisory or administrative duties.

*Useful and efficient service* means acceptable performance of the critical or essential elements of the position and satisfactory conduct and attendance.

*While on duty* means while performing work under the control or direction of the agency. *While on duty* does not mean a period during which a covered employee is required to generally and reasonably be accessible to perform unscheduled work, such as a period of on-call status or non-work availability hours.

#### **§ 831.2603 Reappointment to a covered position.**

(a) If an affected individual incurs a qualifying condition, the affected individual's employing agency must, to the greatest extent possible and in accordance with applicable statutes and regulations, reappoint the individual to a related secondary position within the employing agency.

(b) If it is not possible to offer the individual placement in such a related

secondary position, the employing agency must notify the affected individual of the reasons why such placement in such a related secondary position is not possible and provide information on the conditions under which the employee may qualify for continuation of enhanced retirement coverage in a non-covered position (that is, in a deemed covered position).

#### **§ 831.2604 Continuation of enhanced retirement coverage in a deemed covered position.**

(a) An affected individual is entitled to continued coverage under enhanced retirement coverage provisions while employed in a deemed covered position, as provided in this subpart.

(b) The affected individual will be subject to the same employee deductions and agency contributions applicable under 5 U.S.C. 8334 as under the affected individual's prior covered position.

(c) A deemed covered position is not considered a covered position for pay purposes.

#### **§ 831.2605 Agency certification.**

(a) An affected individual's employing agency must provide, upon the request of the reappointing agency or the affected individual, certification that the employee's injury or illness is a qualifying condition and would not preclude the individual from continuing to serve in the Federal service.

(b) For purposes of providing a certification that an employee has a qualifying condition, the employing agency's head (or his or her designee) may consider a determination by the Department of Labor (for purposes of determining entitlement to FECA compensation) that an injury or illness was incurred in the performance of the employee's duties, but the employing agency must independently determine whether the employee is permanently unable to serve in the covered position and not precluded from continued Federal service.

#### **§ 831.2606 Notice.**

Upon an affected individual's reappointment to a qualifying reappointment, the reappointing agency must provide notice to the affected individual of the following:

(a) That he or she qualifies for coverage under 5 U.S.C. 8336(c)(3) and § 831.2604;

(b) That he or she may waive coverage in accordance with § 831.2607;

(c) The time limit for waiving coverage; and

(d) That, if the affected individual elects to waive coverage under

§ 831.2607, the individual will not be entitled to retain enhanced retirement coverage.

#### **§ 831.2607 Waiver.**

(a) An affected individual appointed to a qualifying reappointment may elect to waive the continuation of enhanced retirement coverage under § 831.2604 by submitting a waiver to the reappointing agency. Such a waiver renders any qualifying reappointment that would have otherwise been a deemed covered position a non-covered position for purposes of this subpart, and thus not subject to enhanced retirement coverage under § 831.2604.

(b) To waive coverage under paragraph (a), an affected individual must file a written election with his or her reappointing agency within 60 days after receiving the notice required under § 831.2606, and such waiver is irrevocable.

#### **§ 831.2608 Reappointment to a secondary position.**

If an affected individual is transferred after incurring a qualifying condition to a secondary position that entitles the affected individual to secondary coverage under § 831.804, 831.904, or 831.1604, then the individual is no longer eligible for coverage under this subpart.

#### **§ 831.2609 Employee deductions and agency contributions.**

(a) An affected individual in a deemed covered position, who has not otherwise waived continuation of enhanced retirement coverage, is deemed to have consented to the retirement deductions that apply to the deemed covered position.

(b) The reappointing agency employing the affected individual in a deemed covered position is responsible for paying the agency contributions in an amount equal to the agency contributions required under 5 U.S.C. 8334(a) for the affected individual's prior covered position.

(c) Employee deductions and agency contributions for the deemed covered position revert to the amount applicable to an employee in a non-covered position under 5 U.S.C. 8334(a) on the first pay period that is after the first day of the month the employee in the deemed covered position meets the age and service requirements for mandatory separation from the prior covered position under 5 U.S.C. 8335(a)–(d), as applicable.

#### **§ 831.2610 Post-qualifying return treatment and loss of deemed coverage.**

(a) *Breaks in service.* An employee serving in a deemed covered position

loses deemed coverage if there is a break in service that exceeds 3 days. Time the employee is receiving compensation benefits under 5 U.S.C. chapter 81, subchapter I as a result of an injury incurred by the employee in the performance of duty or using leave (including leave without pay) is not considered a break in service.

(b) *Agency transfers.* The employee retains deemed coverage upon transfer, without a break in service, to another agency provided the new agency is one that regularly appoints individuals to secondary positions related to the employee's prior covered position occupied when the employee incurred the qualifying condition.

(c) *Agency details.* An employee retains deemed coverage if detailed or temporarily promoted to a position that is not a secondary position related to the activities of the former covered position.

(d) *Recovery.* (1) An employee in a deemed covered position loses coverage under this subpart if subsequently employed in a covered position. Enhanced retirement coverage is determined based on the new covered position.

(2) An employee in a deemed covered position who transfers directly, with no break in service, from a deemed covered position to a secondary law enforcement officer, firefighter, air traffic controller, nuclear materials courier, or customs and border protection officer position satisfies the direct transfer requirement under §§ 831.804, 831.904, and 831.1604 for purposes of determining entitlement to secondary coverage under these provisions.

(e) *No restoration of lost coverage.* Once eligibility for deemed coverage under this subpart is lost, it cannot be restored, unless the employee meets the eligibility requirements of § 831.2604 based on a new qualifying condition separate from the original injury or illness incurred.

#### **§ 831.2611 Retirement benefits.**

(a) *Mandatory separation.* Employees in deemed covered positions are not subject to the mandatory separation (and corresponding exemptions) provisions under 5 U.S.C. 8335.

(b) *Retirement computation.* Service in a deemed covered position is considered covered service in the calculation of retirement benefits under 5 U.S.C. 8339.

(c) *Reemployed annuitants.* (1) For reemployed annuitants whose separation for retirement was based on mandatory separation from a covered or deemed covered position, service as a reemployed annuitant must be treated

as non-covered service for purposes of this subpart.

(2) For reemployed annuitants whose separation for retirement was not based on mandatory separation, service as a reemployed annuitant in a deemed covered position is covered under enhanced retirement provisions. A reemployed annuitant in a covered position who incurs a qualifying condition and is appointed to a qualifying reappointment in a non-covered position may be entitled to coverage under § 831.2604 provided the reemployed annuitant meets the eligibility requirements provided under this subpart.

#### **§ 831.2612 Appeal rights.**

(a) *Denial of qualifying condition.* If the employing agency determines that the employee's injury or illness does not meet the criteria necessary to be a qualifying condition for purposes of this subpart, the employing agency must inform the reappointing agency and employee in writing of that determination and must include notice of the employee's right to appeal the employing agency's determination to the U.S. Merit Systems Protection Board.

(b) *Denial of deemed coverage.* If, after an employing agency provides certification to a reappointing agency of the employee's qualifying condition under § 831.2605, and the reappointing agency denies treatment of the employee's appointment in a non-covered position as a deemed covered position, the employee may appeal the reappointing agency's denial of deemed coverage to the U.S. Merit Systems Protection Board.

(c) *Computation of benefits.* OPM's initial and final decisions issued with respect to the computation of an affected individual's retirement benefits under this subpart are appealable consistent with the provisions in §§ 831.109 and 831.110.

### **PART 842—FEDERAL EMPLOYEES RETIREMENT SYSTEM—BASIC ANNUITY**

■ 7. Revise the authority citation for part 842 to read as follows:

**Authority:** 5 U.S.C. 8461(g). Sec. 842.104 also issued under sec. 3, Pub. L. 105–274, 112 Stat. 2423. Sec. 842.105 also issued under 7701(b)(2). Sec. 842.106 also issued under sec. 102(e), Pub. L. 104–8, 109 Stat. 102, as amended by sec. 153, Pub. L. 104–134, 110 Stat. 1321–102. Sec. 842.107 also issued under secs. 11202(f), 11232(e), and 11246(b), Pub. L. 105–33, 111 Stat. 251; sec. 7(e), Pub. L. 105–274, 112 Stat. 2427. Sec. 842.108 also issued under sec. 7(e), Pub. L. 105–274, 112 Stat. 2427. Sec. 842.109 also

issued under sec. 1622, Pub. L. 104–106, 110 Stat. 521. Sec. 842.110 also issued under tit. VIII, sec. 111, Pub. L. 99–500, 100 Stat. 1783–348; sec. 1, Pub. L. 110–279, 122 Stat. 2604. Sec. 842.208 also issued under div. E., title V, sec. 535, Pub. L. 110–161, 121 Stat. 2075. Sec. 842.213 also issued under 5 U.S.C. 8414(b)(1)(B). Secs. 842.304 and 842.305 also issued under div. A, tit. III, sec. 321 of Pub. L. 107–228, 116 Stat. 1380. Sec. 842.707 also issued under tit. VI, sec. 6001, Pub. L. 100–203, 101 Stat. 1300–275. Sec. 842.703 also issued under sec. 7001 of Pub. L. 101–508, 104 Stat. 1388–328. Sec. 842.708 also issued under tit. IV, sec. 4005, Pub. L. 101–239, 103 Stat. 235, and sec. 7001 of Pub. L. 101–508, 104 Stat. 1388–328. Sec. 842.808 also issued under 5 U.S.C. 1104. Sec. 842.810 also issued under Appendix C, tit. VI, sec. 636, Pub. L. 106–554 at 114 Stat. 2763A–164. Sec. 842.811 also issued under tit. II, sec. 226(c)(2), Pub. Law 108–176, 117 Stat. 2530. Subpart J also issued under div. E, tit. V, sec. 535, Pub. L. 110–161, 121 Stat. 2075. Subpart M also issued under 5 U.S.C. 8336(c) and 8412(d); sec. 3(e)–(f), Pub. L. 117–225, 136 Stat. 2298 (5 U.S.C. 8336 note).

■ 8. Add subpart M to read as follows:

#### **Subpart M—Special Retirement Provisions for Certain Duty-Related Illnesses or Injuries**

Sec.  
842.1301 Scope.  
842.1302 Definitions.  
842.1303 Reappointment to a covered position.  
842.1304 Continuation of enhanced retirement coverage in a deemed covered position.  
842.1305 Agency certification.  
842.1306 Notice.  
842.1307 Waiver.  
842.1308 Reappointment to a secondary position.  
842.1309 Employee deductions and agency contributions.  
842.1310 Post-qualifying return treatment and loss of deemed coverage.  
842.1311 Retirement benefits.  
842.1312 Appeal rights.

#### **§ 842.1301 Scope.**

The regulations in this subpart apply to law enforcement officers, firefighters, nuclear materials couriers, customs and border protection officers, air traffic controllers, and members of the Capitol Police and Supreme Court Police (as those terms are defined under this part), who fall under the Federal Employees Retirement System and who have incurred a qualifying injury or illness while on duty as a direct result of the performance of their duties on or after December 9, 2024. The regulations address the employing agency's obligation, to the greatest extent possible, to place such an employee in a supervisory or administrative position covered by the special enhanced retirement provisions for such positions. The regulations further address the

conditions under which an employee can be placed in a non-covered position but have deemed coverage under the special enhanced retirement provisions, if placement in a covered position is not possible. Treatment as serving in a deemed covered position under this subpart applies only for retirement credit, deduction, contribution, and annuity computation purposes and does not confer eligibility for pay-related laws or regulations applicable to an actual covered position.

#### § 842.1302 Definitions.

In this subpart—

*Affected individual* means an employee who was serving in a covered position when the employee incurred a qualifying injury or illness while on duty as a direct result of the performance of those duties that permanently rendered the employee unable to provide useful and efficient service in the individual's prior covered position (as certified by the employing agency under § 842.1305).

*Agency* means an executive branch agency as defined under 5 U.S.C. 105; a legislative branch agency; a judicial branch agency; and the U.S. Postal Service and Postal Regulatory Commission.

*Agency head* has the same meaning as that term is defined under § 842.802 for law enforcement officers, firefighters, and air traffic controllers; § 842.902 for nuclear materials couriers; § 842.1002 for customs and border protection officers; and *agency head* means the Capitol Police Board for members of the Capitol Police and the Marshal of the Supreme Court of the United States for members of the Supreme Court Police. For the purposes of this subpart, *agency head* is also deemed to include the designated representative of the *agency head*, as defined in the first sentence of the definition, at any level within the agency.

*Break in service* means a break in service lasting more than 3 days. A period where an affected individual is receiving benefits under the Federal Employees' Compensation Act (FECA) is not considered a break in service for purposes of this subpart.

*Covered position* means a position subject to enhanced retirement coverage as a law enforcement officer, customs and border protection officer, firefighter, air traffic controller, nuclear materials courier (as those terms are defined under 5 U.S.C. 8401), or member of the Capitol Police or Supreme Court Police.

*Deemed covered position* means a non-covered position, as defined under this section, that is subject to enhanced retirement coverage under this subpart.

*Employing agency* means the agency that employed the affected individual in a covered position when the affected individual incurred a qualifying injury or illness.

*Enhanced retirement coverage* means coverage subject to higher employee deductions and agency contributions under 5 U.S.C. 8422(a) and 8423; higher accrual rates under 5 U.S.C. 8415(e) and (f); early immediate retirement eligibility under 5 U.S.C. 8412(d) and (e); and mandatory separation under 5 U.S.C. 8425.

*FERS* means the Federal Employees' Retirement System as described in 5 U.S.C. chapter 84.

*Non-covered position* means a position covered under the Federal Employees' Retirement System (FERS) that is not subject to enhanced retirement coverage and is not a primary or secondary position as a law enforcement officer, customs and border protection officer, firefighter, air traffic controller, or nuclear materials courier (as those terms are defined under this part), nor a member of the Capitol Police or Supreme Court Police.

*Office* means the Office of Personnel Management.

*Prior covered position* means the covered position the affected individual held at the time of incurring the qualifying condition.

*Qualifying condition* means an injury or illness an employing agency determines was incurred by an employee in a covered position—

- (1) while on duty;
- (2) as a direct result of the performance of those duties;
- (3) that renders the employee permanently unable to provide useful and efficient service in the covered position; and
- (4) that occurred prior to the date the employee otherwise would have met the age and service requirements necessary to be eligible for immediate retirement under 5 U.S.C. 8412(d) and (e), as applicable, or would have otherwise been subject to mandatory separation under 5 U.S.C. 8425(a)–(d), as applicable.

*Qualifying reappointment* means an appointment of an affected individual to a non-covered position:

- (1) within the same employing agency as the prior covered position, or within an agency that regularly appoints employees to secondary positions related to the prior covered position; and
- (2) without a break in service; but
- (3) does not include an appointment to a secondary position that is otherwise subject to coverage under § 842.803, 842.903, or 842.1003.

*Reappointing agency* means the agency that appointed an affected individual to a qualifying reappointment after the affected individual incurred a qualifying condition.

*Related secondary position* means a secondary position that is related to the activities of an affected individual's former covered position.

*Secondary position* has the same meaning as the term is defined under § 842.802 for law enforcement officers, firefighters, and air traffic controllers; § 842.1002 for customs and border protection officers; and § 842.902 for nuclear materials couriers. A secondary position is a position that qualifies as a covered position based on qualifying supervisory or administrative duties.

*Useful and efficient service* means acceptable performance of the critical or essential elements of the position and satisfactory conduct and attendance.

*While on duty* means while performing work under the control or direction of the agency. *While on duty* does not mean a period during which a covered employee is required to generally and reasonably be accessible to perform unscheduled work, such as a period of on-call status or non-work availability hours.

#### § 842.1303 Reappointment to a covered position.

(a) If an affected individual incurs a qualifying condition, the affected individual's employing agency must, to the greatest extent possible and in accordance with applicable statutes and regulations, reappoint the individual to a related secondary position within the employing agency.

(b) If it is not possible to offer the individual placement in such a related secondary position, the employing agency must notify the affected individual of the reasons why such placement in such a related secondary position is not possible and provide information on the conditions under which the employee may qualify for continuation of enhanced retirement coverage in a non-covered position (that is, in a deemed covered position).

#### § 842.1304 Continuation of enhanced retirement coverage in a deemed covered position.

(a) An affected individual is entitled to continued coverage under enhanced retirement coverage provisions while employed in a deemed covered position, as provided in this subpart.

(b) The affected individual will be subject to the same employee deductions and agency contributions applicable under 5 U.S.C. 8422 and

8423 as under the affected individual's prior covered position.

(c) A deemed covered position is not considered a covered position for pay purposes.

#### **§ 842.1305 Agency certification.**

(a) An affected individual's employing agency must provide, upon the request of the reappointing agency or the affected individual, certification that the employee's injury or illness is a qualifying condition and would not preclude the individual from continuing to serve in the Federal service.

(b) For purposes of providing a certification that an employee has a qualifying condition, the employing agency's head (or his or her designee) may consider a determination by the Department of Labor (for purposes of determining entitlement to FECA compensation) that an injury or illness was incurred in the performance of the employee's duties, but the employing agency must independently determine whether the employee is permanently unable to serve in the covered position and not precluded from continued Federal service.

#### **§ 842.1306 Notice.**

Upon an affected individual's reappointment to a qualifying reappointment, the reappointing agency must provide notice to the affected individual of the following:

- (a) That he or she qualifies for coverage under 5 U.S.C. 8412(d)(2) and § 842.1304;
- (b) That he or she may waive coverage in accordance with § 842.1307;
- (c) The time limit for waiving coverage; and
- (d) That, if the affected individual elects to waive coverage under § 842.1307, the individual will not be entitled to retain enhanced retirement coverage.

#### **§ 842.1307 Waiver.**

(a) An affected individual appointed to a qualifying reappointment may elect to waive the continuation of enhanced retirement coverage under § 842.1304 by submitting a waiver to the reappointing agency. Such a waiver renders any qualifying reappointment that would have otherwise been a deemed covered position a non-covered position for purposes of this subpart, and thus not subject to enhanced retirement coverage under § 842.1304.

(b) To waive coverage under paragraph (a), an affected individual must file a written election with his or her reappointing agency within 60 days after receiving the notice required under § 842.1306, and such waiver is irrevocable.

#### **§ 842.1308 Reappointment to a secondary position.**

If an affected individual is transferred after incurring a qualifying condition to a secondary position that entitles the affected individual to secondary coverage under § 842.803, 842.903, or 842.1003, then the individual is no longer eligible for coverage under this subpart.

#### **§ 842.1309 Employee deductions and agency contributions.**

(a) An affected individual in a deemed covered position, who has not otherwise waived continuation of enhanced retirement coverage, is deemed to have consented to the retirement deductions that apply to the deemed covered position.

(b) The reappointing agency employing the affected individual in a deemed covered position is responsible for paying the agency contributions in an amount equal to the agency contributions required under 5 U.S.C. 8423 for the affected individual's prior covered position.

(c) Employee deductions and agency contributions for the deemed covered position revert to the amount applicable to an employee in a non-covered position under 5 U.S.C. 8422–8423 on the first pay period that is after the first day of the month the employee in the deemed covered position meets the age and service requirements for mandatory separation from the prior covered position under 5 U.S.C. 8425(a)–(d), as applicable.

#### **§ 842.1310 Post-qualifying return treatment and loss of deemed coverage.**

(a) *Breaks in service.* An employee serving in a deemed covered position loses deemed coverage if there is a break in service that exceeds 3 days. Time the employee is receiving compensation benefits under 5 U.S.C. chapter 81, subchapter I as a result of an injury incurred by the employee in the performance of duty or using leave (including leave without pay) is not considered a break in service.

(b) *Agency transfers.* The employee retains deemed coverage upon transfer, without a break in service, to another agency provided the new agency is one that regularly appoints individuals to secondary positions related to the employee's prior covered position occupied when the employee incurred the qualifying condition.

(c) *Agency details.* An employee retains deemed coverage if detailed or temporarily promoted to a position that is not a secondary position related to the activities of the former covered position.

(d) *Recovery.* (1) An employee in a deemed covered position loses coverage

under this subpart if subsequently employed in a covered position. Enhanced retirement coverage is determined based on the new covered position.

(2) An employee in a deemed covered position who transfers directly, with no break in service, from a deemed covered position to a secondary law enforcement officer, firefighter, air traffic controller, nuclear materials courier, or customs and border protection officer position satisfies the direct transfer requirement under §§ 842.803, 842.903, and 842.1003 for purposes of determining entitlement to secondary coverage under these provisions.

(e) *No restoration of lost coverage.* Once eligibility for deemed coverage under this subpart is lost, it cannot be restored, unless the employee meets the eligibility requirements of § 842.1304 based on a new qualifying condition separate from the original injury or illness incurred.

#### **§ 842.1311 Retirement benefits.**

(a) *Mandatory separation.* Employees in deemed covered positions are not subject to the mandatory separation (and corresponding exemptions) provisions under 5 U.S.C. 8425.

(b) *Retirement computation.* Service in a deemed covered position is considered covered service in the calculation of retirement benefits under 5 U.S.C. 8415.

(c) *Reemployed annuitants.* (1) For reemployed annuitants whose separation for retirement was based on mandatory separation from a covered or deemed covered position, service as a reemployed annuitant must be treated as non-covered service for purposes of this subpart.

(2) For reemployed annuitants whose separation for retirement was not based on mandatory separation, service as a reemployed annuitant in a deemed covered position is covered under enhanced retirement provisions. A reemployed annuitant in a covered position who incurs a qualifying condition and is appointed to a qualifying reappointment in a non-covered position may be entitled to coverage under § 842.1304 provided the reemployed annuitant meets the eligibility requirements provided under this subpart.

#### **§ 842.1312 Appeal rights.**

(a) *Denial of qualifying condition.* If the employing agency determines that the employee's injury or illness does not meet the criteria necessary to be a qualifying condition for purposes of this subpart, the employing agency must inform the reappointing agency and

employee in writing of that determination and must include notice of the employee's right to appeal the employing agency's determination to the U.S. Merit Systems Protection Board.

(b) *Denial of deemed coverage.* If, after an employing agency provides certification to a reappointing agency of the employee's qualifying condition under § 842.1305, and the reappointing agency denies treatment of the employee's appointment in a non-covered position as a deemed covered position, the employee may appeal the reappointing agency's denial of deemed coverage to the U.S. Merit Systems Protection Board.

(c) *Computation of benefits.* OPM's initial and final decisions issued with respect to the computation of an affected individual's retirement benefits under this subpart are appealable consistent with the provisions in §§ 841.306–308.

[FR Doc. 2026–14751 Filed 7–21–26; 8:45 am]

BILLING CODE 6325–38–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2026–2452; Airspace Docket No. 25–ASO–16]

RIN 2120–AA66

#### Amendment of Domestic Very High Frequency Omnidirectional Range (VOR) Federal Airways V–16, V–35, V–37, V–53, V–133, V–136, V–143, V–259, V–310, V–364, V–409, V–415, V–454, and V–605; Eastern United States

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Supplemental notice of proposed rulemaking (SNPRM).

**SUMMARY:** This action revises an earlier notice of proposed rulemaking (NPRM) that the FAA published in the **Federal Register** on March 6, 2026, by updating the proposed amendments to domestic Very High Frequency Omnidirectional Range (VOR) Federal Airways V–53, V–364, V–415, and V–605 in the eastern United States. This action continues to propose amendments to domestic VOR Federal Airways V–16, V–35, V–37, V–133, V–136, V–143, V–259, V–310, V–409, and V–454, as described in the original NPRM. This action is in support of the FAA's VOR Minimum Operational Network (MON) Program.

**DATES:** Comments must be received on or before August 21, 2026.

**ADDRESSES:** Send comments identified by FAA Docket No. FAA–2026–2452 and Airspace Docket No. 25–ASO–16 using any of the following methods:

\* *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov) and follow the online instructions for sending your comments electronically.

\* *Mail:* Send comments to Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W58–213, West Building, 5th Floor, Washington, DC 20590.

\* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W58–213 of the West Building, 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

\* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

*Docket:* Background documents or comments received may be read at [www.regulations.gov](http://www.regulations.gov) at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W58–213 of the West Building, 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FAA Order JO 7400.11K, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). You may also contact the Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

**FOR FURTHER INFORMATION CONTACT:** Ashley Toth, Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the

scope of that authority as it amends the route structure to maintain the efficient flow of air traffic within the National Airspace System.

#### Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

*Privacy:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

#### Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at [www.regulations.gov](http://www.regulations.gov). Recently published rulemaking documents can also be accessed through the FAA's web page at [www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation

Administration, Room 210, 1701 Columbia Avenue, College Park, GA 30337.

### Incorporation by Reference

Domestic VOR Federal Airways are published in paragraph 6010(a) of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

### Background

On March 6, 2026, the FAA published an NPRM (91 FR 10979) proposing the amendments of domestic VOR Federal Airways V-16, V-35, V-37, V-53, V-133, V-136, V-143, V-259, V-310, V-364, V-409, V-415, V-454, and V-605 in the eastern United States. Subsequent to publication of the NPRM, the FAA identified that VOR Federal Airways V-53, V-364, V-415, and V-605 require additional or different changes from the original NPRM, as described below.

The FAA is planning to decommission the Charlotte, NC (CLT), VOR/Distance Measuring Equipment (VOR/DME); Foothills, SC (ODF), VOR/DME; and Holston Mountain, TN (HMT), VOR/Tactical Air Navigation (VORTAC) in December 2026. The Charlotte VOR/DME, Foothills VOR/DME, and Holston Mountain VORTAC were candidate navigational aids (NAVAID) identified for discontinuance by the FAA's VOR MON program and listed in the Final Policy Statement, "Provision of Navigation Services for the Next Generation Air Transportation System (NextGen) Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR Minimum Operational Network)," published in the **Federal Register** on July 26, 2016 (81 FR 48694), under Docket No. FAA-2011-1082.

After the NPRM was published, the FAA identified that the segment of V-53 that must be removed as a result of the decommissioning of the Holston Mountain VORTAC is larger than originally expected. The segment that must be removed would start at the Columbia VORTAC instead of the Sugarloaf Mountain VORTAC. This addition to the segment proposed for removal is being made because a portion

of it is unusable due to facility restrictions and the remaining portion is not required due to established PBN replacement structure. Accordingly, the proposal to modify V-53 is updated below.

The FAA also identified an error with the proposed amended legal description for V-364. The Barretts Mountain, NC (BZM), VOR/DME 196°T radial used to identify the LINCO, NC Fix should have been the Barretts Mountain VOR/DME 197°T radial. This error has been corrected in this SNPRM.

Additionally, the NPRM indicated that concurrent changes were being proposed in a separate rulemaking docket (Docket No. FAA-2024-2614) published in the **Federal Register** (89 FR 103720; December 19, 2024). After publication of the NPRM for the instant docket, the FAA decided to remove that component of the proposal under Docket No. FAA-2024-2614, which will be reflected in future rulemaking documents for that docket.

Lastly, the FAA discovered that the direction of V-605 is currently incorrectly described in its legal description as a north to south airway. The FAA now clarifies that the airway direction runs from south to north and has corrected the legal description in this SNPRM. The legal description has also been updated to account for the planned relocation of the Spartanburg, SC (SPA), VORTAC, as proposed in Docket No. FAA-2024-2614 (89 FR 103720; December 19, 2024).

Other components of the proposal from the original NPRM remain unchanged.

### The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend domestic VOR Federal Airways V-16, V-35, V-37, V-53, V-133, V-136, V-143, V-259, V-310, V-364, V-409, V-415, V-454, and V-605 in the eastern United States. This action supports the planned decommissioning of the Holston Mountain, TN (HMT), VORTAC, the relocation of the Spartanburg, SC (SPA), VORTAC, and correcting the radials for the LINCO Fix. This action is in support of the FAA's VOR MON Program.

**V-53:** V-53 currently extends between the Charleston, SC (CHS), VORTAC and the Holston Mountain, TN (HMT), VORTAC; and between the Lexington, KY (HYK), VOR/DME and the Brickyard, IN (VHP), VORTAC. The airspace within R-3401B is excluded when active. The FAA proposes to remove the airway segment between the Columbia, SC (CAE), VORTAC and the Holston Mountain VORTAC due to the planned decommissioning of the

Holston Mountain VORTAC. As amended, the airway would be changed to extend between the Charleston VORTAC and the Columbia VORTAC, and between the Lexington VOR/DME and the Brickyard VORTAC. The airspace within R-3401B would remain excluded when active.

**V-364:** V-364 currently extends between the intersection of the Charlotte, NC (CLT), VOR/DME 305° and the Sugarloaf Mountain, NC (SUG), VORTAC 087° radials (LINCO Fix) and the Holston Mountain, TN (HMT), VORTAC.

Due to the planned decommissioning of the Charlotte VOR/DME, the radials that make up the LINCO Fix would be changed to become the intersection of the Barretts Mountain VOR/DME 197°T/203°M and the Sugarloaf Mountain VORTAC 087°T/089°M radials, which would preserve its location. The FAA proposes to update the route description of VOR Federal Airway V-364 with the new radials that would define the LINCO Fix. Additionally, the FAA proposes to remove the airway segments between the Sugarloaf Mountain VORTAC and the Holston Mountain VORTAC due to the planned decommissioning of the Holston Mountain VORTAC. As amended, the airway would be changed to extend between the intersection of the Barretts Mountain VOR/DME 197°T/203°M and the Sugarloaf Mountain VORTAC 087°T/089°M (LINCO Fix) and the Sugarloaf Mountain VORTAC.

**V-415:** V-415 currently extends between the Montgomery, AL (MGM), VORTAC and the intersection of the Montgomery VORTAC 029° and Gadsden, AL (GAD), VOR/DME 124° radials (HEFIN Fix); and between the intersection of the Rome, GA (RMG), VORTAC 060° and Foothills, SC (ODF), VOR/DME 258° radials (NELLO Fix) and the intersection of the Spartanburg, SC (SPA), VORTAC 101° and Charlotte, NC (CLT), VOR/DME 229° radials (LOCKS Fix). The FAA proposes to remove the airway segments from the NELLO Fix and the LOCKS Fix due to the planned decommissioning of the Charlotte VOR/DME and the Foothills VOR/DME. As amended, the airway would be changed to extend between the Montgomery VORTAC and the HEFIN Fix.

**V-605:** V-605 currently extends between the Holston Mountain, TN (HMT), VORTAC and the Spartanburg, SC (SPA), VORTAC. In the route description of VOR Federal Airway V-605 between the Holston Mountain VORTAC and the Spartanburg VORTAC is a turn point listed as the intersection of the Holston Mountain 171° and

Spartanburg VORTAC 358° radials (GENOD Fix).

Due to the planned decommissioning of the Holston Mountain VORTAC and the relocation to the Spartanburg VORTAC, the radials that make up the GENOD Fix would be changed to become the intersection of the Barretts Mountain VOR/DME 241°T/247°M and the Spartanburg VORTAC 001°T/008°M radials, which would preserve its location. The FAA proposes to update the route description of VOR Federal Airway V-605 with the new radials that would define the GENOD Fix. The FAA proposes to remove the airway segment between the GENOD Fix and the Holston Mountain VORTAC due to the planned decommissioning of the Holston Mountain VORTAC.

Additionally, the FAA proposes to correct the legal description of the airway to show the direction of the airway from south to north.

As amended, the airway would be changed to extend between the Spartanburg VORTAC and the GENOD Fix.

The proposal remains unchanged from the NPRM with respect to all other affected airways.

The full proposed descriptions of the above routes are set forth below in the proposed regulatory text amendments to part 71. The navigational aid radials listed in the VOR Federal airway description regulatory text of this SNPRM are stated in degrees True north. Additionally, minor editorial corrections to the airway descriptions are included in the proposed legal descriptions to comply with ATS route formatting requirements.

### Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Order 2100.6B, “Rulemaking and Guidance Procedures” (March 10, 2025); and (3) is expected to result in, at most, de minimis costs from compliance with applicable operating requirements or minor flight rerouting for operators choosing to navigate around the controlled airspace. Since these proposed amendments are routine and the expected impact to operators is de minimis, the FAA certifies that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.

### Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1G, “*FAA National Environmental Policy Act Implementing Procedures*” prior to any FAA final regulatory action.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11K, Airspace Designations and Reporting Points, dated August 4, 2025, and effective September 15, 2025, is amended as follows:

*Paragraph 6010(a) Domestic VOR Federal Airways.*

\* \* \* \* \*

#### V-16 [Amended]

From Los Angeles, CA; Paradise, CA; Palm Springs, CA; Blythe, CA; Buckeye, AZ; Phoenix, AZ; INT Phoenix 155° and Stanfield, AZ, 105° radials; Tucson, AZ; San Simon, AZ; INT San Simon 119° and Columbus, NM, 277° radials; Columbus, El Paso, TX; Salt Flat, TX; Wink, TX; INT Wink 066° and Big Spring, TX, 260° radials; Big Spring; Abilene, TX; Bowie, TX; Bonham, TX; Paris, TX; Texarkana, AR; Pine Bluff, AR; Marvell, AR; to Holly Springs, MS. From Shelbyville, TN; Hinch Mountain, TN; Volunteer, TN; to INT Volunteer 069°T/072°M and Snowbird, TN, 329°T/333°M radials. From Lynchburg, VA; Flat Rock, VA; to Richmond, VA. From Smyrna, DE; Cedar Lake, NJ; Coyle, NJ; INT Coyle 036° and Kennedy, NY, 209° radials; Kennedy; INT Kennedy 040° and Calverton, NY, 261° radials; Calverton; to INT Calverton 044° and Madison, CT, 142° radials. The airspace within Mexico and the airspace below 2,000 feet MSL outside the United States is excluded. The airspace within Restricted Areas R-5002A, R-5002C, R-5002D, and R-5002F is excluded during their times of use.

\* \* \* \* \*

#### V-35 [Amended]

From Lee County, FL; INT Lee County 326° and St. Petersburg, FL, 152° radials; to St. Petersburg. From INT Dublin, GA, 309° and Athens, GA, 195° radials; Athens; Electric City, SC; to Sugarloaf Mountain, NC. From Glade Spring, VA; Charleston, WV; INT Charleston 051° and Elkins, WV, 264° radials; Clarksburg, WV; to Morgantown, WV. From Philipsburg, PA; to Stonyfork, PA.

#### V-37 [Amended]

From Craig, FL; Brunswick, GA; INT Brunswick 014° and Savannah, GA, 177° radials; Savannah; Allendale, SC; Columbia, SC; to INT Columbia 004°T/006°M and Chesterfield, SC, 240°T/243°M radials. From Pulaski, VA; Elkins, WV; Clarksburg, WV; INT Clarksburg 359° and Ellwood City, PA, 185° radials; to Ellwood City.

\* \* \* \* \*

#### V-53 [Amended]

From Charleston, SC to Columbia, SC. From Lexington, KY; Louisville, KY; INT Louisville 333° and Brickyard, IN, 170° radials; to Brickyard. The airspace within R-3401B is excluded.

\* \* \* \* \*

#### V-133 [Amended]

From INT Sugarloaf Mountain, NC, 087°T/089°M and Barretts Mountain, NC, 197°T/203°M radials; Barretts Mountain; to Charleston, WV. From Saginaw, MI; Traverse City, MI; Escanaba, MI; Sawyer, MI; to Houghton, MI. From International Falls, MN; to Red Lake, ON, Canada. The airspace within Canada is excluded.

\* \* \* \* \*

#### V-136 [Amended]

From Hinch Mountain, TN; INT Hinch Mountain 100° and Volunteer, TN, 243° radials; Volunteer; to Snowbird, TN. From Pulaski, VA; INT Pulaski 094° and South Boston, VA, 295° radials; South Boston; Raleigh-Durham, NC; Fayetteville, NC; to Grand Strand, SC.

\* \* \* \* \*

#### V-143 [Amended]

From INT Barretts Mountain, NC, 124°T/130°M and Greensboro, NC, 228°T/231°M radials; Greensboro; Lynchburg, VA; Montebello, VA; INT Montebello 031° and Martinsburg, WV, 216° radials; Martinsburg; Lancaster, PA; Pottstown, PA; to Yardley, PA.

\* \* \* \* \*

#### V-259 [Amended]

From Grand Strand, SC; Florence, SC; Chesterfield, SC; to INT Chesterfield 314° and Fayetteville, NC, 267° radials.

\* \* \* \* \*

#### V-310 [Amended]

From Louisville, KY, to London, KY. From Greensboro, NC; INT Greensboro 105° and Raleigh-Durham, NC, 275° radials; Raleigh-Durham; Tar River, NC; to Elizabeth City, NC.

\* \* \* \* \*

**V-364 [Amended]**

From INT Barretts Mountain, NC, 197°T/  
203°M and Sugarloaf Mountain, NC, 087°T/  
089°M radials; to Sugarloaf Mountain.

\* \* \* \* \*

**V-409 [Amended]**

From INT Chesterfield, SC, 346°T/349°M  
and Liberty, NC, 228°T/231°M radials;  
Liberty; to Raleigh-Durham, NC.

\* \* \* \* \*

**V-415 [Amended]**

From Montgomery, AL, to INT  
Montgomery 029° and Gadsden, AL, 124°  
radials.

\* \* \* \* \*

**V-454 [Amended]**

From Brookley, AL; to Monroeville, AL.  
From INT Barretts Mountain, NC, 124°T/  
130°M and Liberty, NC, 253°T/256°M radials;  
to Liberty.

\* \* \* \* \*

**V-605 [Amended]**

From Spartanburg, SC, to INT Spartanburg  
001°T/008°M radials and Barretts Mountain,  
NC, 241°T/247°M radials.

\* \* \* \* \*

Issued in Washington, DC, on July 20,  
2026.

**Alex W. Nelson,**

*Manager, Rules and Regulations Group.*

[FR Doc. 2026-14820 Filed 7-21-26; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF LABOR****Occupational Safety and Health  
Administration****29 CFR Parts 1910, 1915, 1917, 1918,  
1926**

**[Docket No. OSHA-2025-0016]**

**RIN 1218-AD65**

**Inorganic Arsenic**

**AGENCY:** Occupational Safety and Health  
Administration (OSHA), Labor.

**ACTION:** Proposed rule; reopening of the  
rulemaking record.

**SUMMARY:** OSHA is providing an  
additional comment period to allow  
interested people to comment on  
OSHA's proposal to revise the Inorganic  
Arsenic standard. Following  
consideration of the rulemaking by  
OSHA's Advisory Committee on  
Construction Safety and Health  
(ACCSH), OSHA is re-opening the  
record for this rulemaking to provide an  
additional 30 days for public comment.

**DATES:** Written comments must be  
submitted on or before August 21, 2026.

**ADDRESSES:**

*Written comments:* You may submit  
comments and attachments, identified  
by Docket No. OSHA-2025-0016,  
electronically at [www.regulations.gov](http://www.regulations.gov),  
which is the Federal e-Rulemaking  
Portal. Follow the instructions online  
for making electronic submissions.

*Instructions:* All submissions must  
include the agency's name and the  
docket number for this rulemaking  
(Docket No. OSHA-2025-0016). When  
uploading multiple attachments to  
[www.regulations.gov](http://www.regulations.gov), please number all  
your attachments because  
[www.regulations.gov](http://www.regulations.gov) will not  
automatically number the attachments.  
This will be very useful in identifying  
all attachments. For example,  
Attachment 1—title of your document,  
Attachment 2—title of your document,  
Attachment 3—title of your document.  
For assistance with commenting and  
uploading documents, please see the  
Frequently Asked Questions on  
[www.regulations.gov](http://www.regulations.gov).

All comments, including any personal  
information you provide, are placed in  
the public docket without change and  
may be made available online at  
[www.regulations.gov](http://www.regulations.gov). Therefore, OSHA  
cautions commenters about submitting  
information they do not want to make  
available to the public or submitting  
materials that contain personal  
information (either about themselves or  
others), such as Social Security  
Numbers and birthdates.

*Docket:* The docket for this  
rulemaking (Docket No. OSHA-2025-  
0016) is available at  
[www.regulations.gov](http://www.regulations.gov), the Federal  
eRulemaking Portal. Additional  
materials and information related to  
OSHA's consultation with the Advisory  
Committee on Construction Safety and  
Health (ACCSH) will be available at  
[https://www.osha.gov/  
advisorycommittee/accsh/minutes](https://www.osha.gov/advisorycommittee/accsh/minutes). All  
comments and submissions are listed on  
the [www.regulations.gov](http://www.regulations.gov) index;  
however, some information (e.g.,  
copyrighted material) may not be  
publicly available to read or download  
through that website. All documents  
submitted to [www.regulations.gov](http://www.regulations.gov),  
including copyrighted material, are  
available for inspection through the  
OSHA Docket Office. Contact the OSHA  
Docket Office at (202) 693-2350 (TTY  
number: (877) 889-5627) for assistance  
in locating docket submissions.

*Copies of this Federal Register  
Notice:* Electronic copies of this **Federal  
Register** document are available at  
<http://www.regulations.gov>. This  
**Federal Register** notice, as well as news  
releases and other relevant information,  
is available on OSHA's web page at  
<http://www.osha.gov>.

**FOR FURTHER INFORMATION CONTACT:**

*For press inquiries:* Contact Frank  
Meilinger, Director, OSHA Office of  
Communications, U.S. Department of  
Labor; telephone: (202) 693-1999;  
email: [OSHAComms@dol.gov](mailto:OSHAComms@dol.gov).

*For general information and technical  
inquiries:* Contact Andrew Levinson,  
Director, Directorate of Standards and  
Guidance, Occupational Safety and  
Health Administration, U.S. Department  
of Labor; telephone: (202) 693-1950;  
email: [osha.dsg@dol.gov](mailto:osha.dsg@dol.gov).

**SUPPLEMENTARY INFORMATION:** On July 1,  
2025, OSHA published a proposal to  
revise OSHA's Inorganic Arsenic  
standard (29 CFR 1910.1018) in order to  
reduce compliance burdens, allow for  
the use of more up-to-date technology,  
and improve the comprehensibility of  
the requirements for respiratory  
protection programs under the standard  
(90 FR 28267). Part of the intent of this  
proposal was also to better align this  
standard with OSHA's Respiratory  
Protection standard (29 CFR 1910.134).  
The comment period was scheduled to  
end on September 2, 2025, but was  
subsequently extended an additional 60  
days to November 1, 2025, in response  
to requests from the public (90 FR  
40545).

At the time of publication of the  
proposal, OSHA was in the process of  
appointing members to the Advisory  
Committee on Construction Safety and  
Health (ACCSH). OSHA stated in the  
proposal that it would present this  
proposed rule to ACCSH once that  
process was complete and would place  
the Committee's recommendations on  
the OSHA website and in the docket for  
this proposed rule to allow the public to  
provide comments on those  
recommendations. OSHA consulted  
with ACCSH on April 1 and May 19,  
2026, and is now reopening the  
rulemaking record to allow for public  
comment for an additional 30 days. To  
read or download the ACCSH  
recommendations, comments, and other  
materials submitted in the docket, go to  
Docket No. OSHA-2025-0016 at  
[www.regulations.gov](http://www.regulations.gov). Additional  
materials and information related to  
OSHA's consultation with ACCSH will  
be available at [https://www.osha.gov/  
advisorycommittee/accsh/minutes](https://www.osha.gov/advisorycommittee/accsh/minutes).

**Authority and Signature**

This document was prepared under  
the direction of David Keeling, Assistant  
Secretary of Labor for Occupational  
Safety and Health. It is issued under the  
authority of sections 4, 6, and 8 of the  
Occupational Safety and Health Act of  
1970 (29 U.S.C. 653, 655, and 657), 33  
U.S.C. 941, 40 U.S.C. 3704, 5 U.S.C. 553,  
29 CFR part 1911, and Secretary of

Labor's Order No. 07–2025 (90 FR 27878).

Dated: July 16, 2026.

**David Keeling,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2026–14846 Filed 7–21–26; 8:45 am]

BILLING CODE 4510–26–P

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Parts 1910, 1915, 1917, 1918, 1926

[Docket No. OSHA–2025–0022]

RIN 1218–AD66

#### Lead

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Proposed rule; reopening of the rulemaking record.

**SUMMARY:** OSHA is providing an additional comment period to allow interested people to comment on OSHA's proposal to revise the Lead standards. Following consideration of the rulemaking by OSHA's Advisory Committee on Construction Safety and Health (ACCSH), OSHA is re-opening the record for this rulemaking to provide an additional 30 days for public comment.

**DATES:** Written comments must be submitted on or before August 21, 2026.

#### ADDRESSES:

*Written comments:* You may submit comments and attachments, identified by Docket No. OSHA–2025–0022, electronically at [www.regulations.gov](http://www.regulations.gov), which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

*Instructions:* All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0022). When uploading multiple attachments to [www.regulations.gov](http://www.regulations.gov), please number all your attachments because [www.regulations.gov](http://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on [www.regulations.gov](http://www.regulations.gov).

All comments, including any personal information you provide, are placed in

the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov). Therefore, OSHA cautions commenters about submitting information they do not want to make available to the public or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

*Docket:* The docket for this rulemaking (Docket No. OSHA–2025–0022) is available at [www.regulations.gov](http://www.regulations.gov), the Federal eRulemaking Portal. Additional materials and information related to OSHA's consultation with the Advisory Committee on Construction Safety and Health (ACCSH) will be available at <https://www.osha.gov/advisorycommittee/accsch/minutes>. All comments and submissions are listed on the [www.regulations.gov](http://www.regulations.gov) index; however, some information (e.g., copyrighted material) may not be publicly available to read or download through that website. All documents submitted to [www.regulations.gov](http://www.regulations.gov), including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY number: (877) 889–5627) for assistance in locating docket submissions.

*Copies of this Federal Register Notice:* Electronic copies of this **Federal Register** document are available at <http://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, is available on OSHA's web page at <http://www.osha.gov>.

#### FOR FURTHER INFORMATION CONTACT:

*For press inquiries:* Contact Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: [OSHAComms@dol.gov](mailto:OSHAComms@dol.gov).

*For general information and technical inquiries:* Contact Andrew Levinson, Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693–1950; email: [osha.dsg@dol.gov](mailto:osha.dsg@dol.gov).

**SUPPLEMENTARY INFORMATION:** On July 1, 2025, OSHA published a proposal to revise OSHA's Lead standards (29 CFR 1910.1025 and 1926.62) in order to reduce compliance burdens, allow for the use of more up-to-date technology, and improve the comprehensibility of the requirements for respiratory protection programs under the standard (90 FR 28277). Part of the intent of this proposal was also to better align this standard with OSHA's Respiratory Protection standard (29 CFR 1910.134).

The comment period was scheduled to end on September 2, 2025, but was subsequently extended an additional 60 days to November 1, 2025, in response to requests from the public (90 FR 40547).

At the time of publication of the proposal, OSHA was in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). OSHA stated in the proposal that it would present this proposed rule to ACCSH once that process was complete and would place the Committee's recommendations on the OSHA website and in the docket for this proposed rule to allow the public to provide comments on those recommendations. OSHA consulted with ACCSH on April 1 and May 19, 2026, and is now reopening the rulemaking record to allow for public comment for an additional 30 days. To read or download the ACCSH recommendations, comments, and other materials submitted in the docket, go to Docket No. OSHA–2025–0022 at [www.regulations.gov](http://www.regulations.gov). Additional materials and information related to OSHA's consultation with ACCSH will be available at <https://www.osha.gov/advisorycommittee/accsch/minutes>.

#### Authority and Signature

This document was prepared under the direction of David Keeling, Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 33 U.S.C. 941, 40 U.S.C. 3704, 5 U.S.C. 553, 29 CFR part 1911, and Secretary of Labor's Order No. 07–2025 (90 FR 27878).

Dated: July 16, 2026.

**David Keeling,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2026–14851 Filed 7–21–26; 8:45 am]

BILLING CODE 4510–26–P

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Parts 1910, 1915, 1917, 1918, 1926

[Docket No. OSHA–2025–0015]

RIN 1218–AD69

#### Vinyl Chloride

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Proposed rule; reopening of the rulemaking record.

**SUMMARY:** OSHA is providing an additional comment period to allow interested people to comment on OSHA's proposal to revise the Vinyl Chloride standard. Following consideration of the rulemaking by OSHA's Advisory Committee on Construction Safety and Health (ACCSH), OSHA is re-opening the record for this rulemaking to provide an additional 30 days for public comment.

**DATES:** Written comments must be submitted on or before August 21, 2026.

**ADDRESSES:**

*Written comments:* You may submit comments and attachments, identified by Docket No. OSHA–2025–0015, electronically at [www.regulations.gov](http://www.regulations.gov), which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

*Instructions:* All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0015). When uploading multiple attachments to [www.regulations.gov](http://www.regulations.gov), please number all your attachments because [www.regulations.gov](http://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on [www.regulations.gov](http://www.regulations.gov).

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov). Therefore, OSHA cautions commenters about submitting information they do not want to make available to the public or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

*Docket:* The docket for this rulemaking (Docket No. OSHA–2025–0015) is available at [www.regulations.gov](http://www.regulations.gov), the Federal eRulemaking Portal. Additional materials and information related to OSHA's consultation with the Advisory Committee on Construction Safety and Health (ACCSH) will be available at <https://www.osha.gov/advisorycommittee/acssh/minutes>. All comments and submissions are listed on the [www.regulations.gov](http://www.regulations.gov) index; however, some information (e.g., copyrighted material) may not be

publicly available to read or download through that website. All documents submitted to [www.regulations.gov](http://www.regulations.gov), including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY number: (877) 889–5627) for assistance in locating docket submissions.

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**FOR FURTHER INFORMATION CONTACT:**

*For press inquiries:* Contact Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: [OSHAComms@dol.gov](mailto:OSHAComms@dol.gov).

*For general information and technical inquiries:* Contact Andrew Levinson, Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693–1950; email: [osha.dsg@dol.gov](mailto:osha.dsg@dol.gov).

**SUPPLEMENTARY INFORMATION:** On July 1, 2025, OSHA published a proposal to revise OSHA's Vinyl Chloride standard (29 CFR 1910.1017) in order to remove redundant language and improve the comprehensibility of the requirements for respiratory protection programs under the standard (90 FR 28263). Part of the intent of this proposal was also to better align this standard with OSHA's Respiratory Protection standard (29 CFR 1910.134). The comment period was scheduled to end on September 2, 2025, but was subsequently extended an additional 60 days to November 1, 2025, in response to requests from the public (90 FR 40549).

At the time of publication of the proposal, OSHA was in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). OSHA stated in the proposal that it would present this proposed rule to ACCSH once that process was complete and would place the Committee's recommendations on the OSHA website and in the docket for this proposed rule to allow the public to provide comments on those recommendations. OSHA consulted with ACCSH on April 1, 2026, and is now reopening the rulemaking record for an additional 30 days. To read or download the ACCSH recommendations, comments, and other materials submitted in the docket, go to Docket No. OSHA–2025–0015 at [www.regulations.gov](http://www.regulations.gov). Additional

materials and information related to OSHA's consultation with ACCSH will be available at <https://www.osha.gov/advisorycommittee/acssh/minutes>.

**Authority and Signature**

This document was prepared under the direction of David Keeling, Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 33 U.S.C. 941, 40 U.S.C. 3704, 5 U.S.C. 553, 29 CFR part 1911, and Secretary of Labor's Order No. 07–2025 (90 FR 27878).

Dated: July 16, 2026.

**David Keeling,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2026–14853 Filed 7–21–26; 8:45 am]

**BILLING CODE 4510–26–P**

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**29 CFR Parts 1910, 1915, 1917, 1918, 1926**

[Docket No. OSHA–2025–0025]

**RIN 1218–AD68**

**Methylenedianiline**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Proposed rule; reopening of the rulemaking record.

**SUMMARY:** OSHA is providing an additional comment period to allow interested people to comment on OSHA's proposal to revise the Methylenedianiline standards. Following consideration of the rulemaking by OSHA's Advisory Committee on Construction Safety and Health (ACCSH), OSHA is re-opening the record for this rulemaking to provide an additional 30 days for public comment.

**DATES:** Written comments must be submitted on or before August 21, 2026.

**ADDRESSES:**

*Written comments:* You may submit comments and attachments, identified by Docket No. OSHA–2025–0025, electronically at [www.regulations.gov](http://www.regulations.gov), which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

*Instructions:* All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0025). When

uploading multiple attachments to [www.regulations.gov](http://www.regulations.gov), please number all your attachments because [www.regulations.gov](http://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on [www.regulations.gov](http://www.regulations.gov).

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov). Therefore, OSHA cautions commenters about submitting information they do not want to make available to the public or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

**Docket:** The docket for this rulemaking (Docket No. OSHA–2025–0025) is available at [www.regulations.gov](http://www.regulations.gov), the Federal eRulemaking Portal. Additional materials and information related to OSHA’s consultation with the Advisory Committee on Construction Safety and Health (ACCSH) will be available at <https://www.osha.gov/advisorycommittee/accsch/minutes>. All comments and submissions are listed on the [www.regulations.gov](http://www.regulations.gov) index; however, some information (e.g., copyrighted material) may not be publicly available to read or download through that website. All documents submitted to [www.regulations.gov](http://www.regulations.gov), including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY number: (877) 889–5627) for assistance in locating docket submissions.

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**FOR FURTHER INFORMATION CONTACT:**

**For press inquiries:** Contact Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: [OSHAComms@dol.gov](mailto:OSHAComms@dol.gov).

**For general information and technical inquiries:** Contact Andrew Levinson, Director, Directorate of Standards and Guidance, Occupational Safety and

Health Administration, U.S. Department of Labor; telephone: (202) 693–1950; email: [osha.dsg@dol.gov](mailto:osha.dsg@dol.gov).

**SUPPLEMENTARY INFORMATION:** On July 1, 2025, OSHA published a proposal to revise OSHA’s Methylenedianiline standards (29 CFR 1910.1050 and 1926.60) in order to reduce compliance burdens, allow for the use of more up-to-date technology, and improve the comprehensibility of the requirements for respiratory protection programs under the standard (90 FR 28325). Part of the intent of this proposal was also to better align this standard with OSHA’s Respiratory Protection standard (29 CFR 1910.134). The comment period was scheduled to end on September 2, 2025, but was subsequently extended an additional 60 days to November 1, 2025, in response to requests from the public (90 FR 40550).

At the time of publication of the proposal, OSHA was in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). OSHA stated in the proposal that it would present this proposed rule to ACCSH once that process was complete and would place the Committee’s recommendations on the OSHA website and in the docket for this proposed rule to allow the public to provide comments on those recommendations. OSHA consulted with ACCSH on April 1 and May 19, 2026, and is now reopening the rulemaking record to allow for public comment for an additional 30 days. To read or download the ACCSH recommendations, comments, and other materials submitted in the docket, go to Docket No. OSHA–2025–0025 at [www.regulations.gov](http://www.regulations.gov). Additional materials and information related to OSHA’s consultation with ACCSH will be available at <https://www.osha.gov/advisorycommittee/accsch/minutes>.

**Authority and Signature**

This document was prepared under the direction of David Keeling, Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 33 U.S.C. 941, 40 U.S.C. 3704, 5 U.S.C. 553, 29 CFR part 1911, and Secretary of Labor’s Order No. 07–2025 (90 FR 27878).

Dated: July 16, 2026.

**David Keeling,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2026–14852 Filed 7–21–26; 8:45 am]

**BILLING CODE 4510–26–P**

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**29 CFR Parts 1910, 1915, 1917, 1918, 1926**

**[Docket No. OSHA–2025–0026]**

**RIN 1218–AD64**

**Formaldehyde**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Proposed rule; reopening of the rulemaking record.

**SUMMARY:** OSHA is providing an additional comment period to allow interested people to comment on OSHA’s proposal to revise the Formaldehyde standard. Following consideration of the rulemaking by OSHA’s Advisory Committee on Construction Safety and Health (ACCSH), OSHA is re-opening the record for this rulemaking to provide an additional 30 days for public comment.

**DATES:** Written comments must be submitted on or before August 21, 2026.

**ADDRESSES:**

**Written comments:** You may submit comments and attachments, identified by Docket No. OSHA–2025–0026, electronically at [www.regulations.gov](http://www.regulations.gov), which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

**Instructions:** All submissions must include the agency’s name and the docket number for this rulemaking (Docket No. OSHA–2025–0026). When uploading multiple attachments to [www.regulations.gov](http://www.regulations.gov), please number all your attachments because [www.regulations.gov](http://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on [www.regulations.gov](http://www.regulations.gov).

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov). Therefore, OSHA cautions commenters about submitting information they do not want to make available to the public or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

**Docket:** The docket for this rulemaking (Docket No. OSHA–2025–0026) is available at [www.regulations.gov](http://www.regulations.gov), the Federal eRulemaking Portal. Additional materials and information related to OSHA’s consultation with the Advisory Committee on Construction Safety and Health (ACCSH) will be available at <https://www.osha.gov/advisorycommittee/acssh/minutes>. All comments and submissions are listed on the [www.regulations.gov](http://www.regulations.gov) index; however, some information (e.g., copyrighted material) may not be publicly available to read or download through that website. All documents submitted to [www.regulations.gov](http://www.regulations.gov), including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY number: (877) 889–5627) for assistance in locating docket submissions.

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#### FOR FURTHER INFORMATION CONTACT:

**For press inquiries:** Contact Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: [OSHAComms@dol.gov](mailto:OSHAComms@dol.gov).

**For general information and technical inquiries:** Contact Andrew Levinson, Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693–1950; email: [osha.dsg@dol.gov](mailto:osha.dsg@dol.gov).

**SUPPLEMENTARY INFORMATION:** On July 1, 2025, OSHA published a proposal to revise OSHA’s Formaldehyde standard (29 CFR 1910.1048) in order to reduce compliance burdens and improve the comprehensibility of the requirements for respiratory protection programs under the standard (90 FR 28286). Part of the intent of this proposal was also to better align this standard with OSHA’s Respiratory Protection standard (29 CFR 1910.134). The comment period was scheduled to end on September 2, 2025, but was subsequently extended an additional 60 days to November 1, 2025, in response to requests from the public (90 FR 40551).

At the time of publication of the proposal, OSHA was in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). OSHA stated in the proposal that it would present this

proposed rule to ACCSH once that process was complete and would place the Committee’s recommendations on the OSHA website and in the docket for this proposed rule to allow the public to provide comments on those recommendations. OSHA consulted with ACCSH on April 1 and May 19, 2026, and is now reopening the rulemaking record to allow for public comment for an additional 30 days. To read or download the ACCSH recommendations, comments, and other materials submitted in the docket, go to Docket No. OSHA–2025–0026 at [www.regulations.gov](http://www.regulations.gov). Additional materials and information related to OSHA’s consultation with ACCSH will be available at <https://www.osha.gov/advisorycommittee/acssh/minutes>.

#### Authority and Signature

This document was prepared under the direction of David Keeling, Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 33 U.S.C. 941, 40 U.S.C. 3704, 5 U.S.C. 553, 29 CFR part 1911, and Secretary of Labor’s Order No. 07–2025 (90 FR 27878).

Dated: July 16, 2026.

**David Keeling,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2026–14849 Filed 7–21–26; 8:45 am]

**BILLING CODE 4510–26–P**

#### DEPARTMENT OF LABOR

##### Occupational Safety and Health Administration

##### 29 CFR Parts 1910, 1915, 1917, 1918, 1926

[Docket No. OSHA–2025–0013]

**RIN 1218–AD56**

##### 13 Carcinogens (4-Nitrobiphenyl, etc.)

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Proposed rule; reopening of the rulemaking record.

**SUMMARY:** OSHA is providing an additional comment period to allow interested persons to comment on OSHA’s proposal to revise the 13 Carcinogens (4-Nitrobiphenyl, etc.) standard. Following consideration of the rulemaking by OSHA’s Advisory Committee on Construction Safety and Health (ACCSH), OSHA is re-opening the record for this rulemaking to

provide an additional 30 days for public comment.

**DATES:** Written comments must be submitted on or before August 21, 2026.

#### ADDRESSES:

**Written comments:** You may submit comments and attachments, identified by Docket No. OSHA–2025–0013, electronically at [www.regulations.gov](http://www.regulations.gov), which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

**Instructions:** All submissions must include the agency’s name and the docket number for this rulemaking (Docket No. OSHA–2025–0013). When uploading multiple attachments to [www.regulations.gov](http://www.regulations.gov), please number all of your attachments because [www.regulations.gov](http://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on [www.regulations.gov](http://www.regulations.gov).

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov). Therefore, OSHA cautions commenters about submitting information they do not want made available to the public or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

**Docket:** The docket for this rulemaking (Docket No. OSHA–2025–0013) is available at [www.regulations.gov](http://www.regulations.gov), the Federal eRulemaking Portal. Additional materials and information related to OSHA’s consultation with the Advisory Committee on Construction Safety and Health (ACCSH) will be available at <https://www.osha.gov/advisorycommittee/acssh/minutes>. All comments and submissions are listed on the [www.regulations.gov](http://www.regulations.gov) index; however, some information (e.g., copyrighted material) may not be publicly available to read or download through that website. All documents submitted to [www.regulations.gov](http://www.regulations.gov), including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY number: (877) 889–5627) for assistance in locating docket submissions.

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**FOR FURTHER INFORMATION CONTACT:**

*For press inquiries:* Contact Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693-1999; email: [OSHAComms@dol.gov](mailto:OSHAComms@dol.gov).

*For general information and technical inquiries:* Contact Andrew Levinson, Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693-1950; email: [osha.dsg@dol.gov](mailto:osha.dsg@dol.gov).

**SUPPLEMENTARY INFORMATION:** On July 1, 2025, OSHA published a proposal to revise OSHA's 13 Carcinogens (4-Nitrobiphenyl, etc.) standard (29 CFR 1910.1003) in order to reduce compliance burdens, allow for the use of more up-to-date technology, and improve the comprehensibility of the requirements for respiratory protection programs under the standard (90 FR 28312). Part of the intent of this proposal was also to better align this standard with OSHA's Respiratory Protection standard (29 CFR 1910.134). The comment period was scheduled to end on September 2, 2025, but was subsequently extended an additional 60 days to November 1, 2025, in response to requests from the public (90 FR 40541).

At the time of publication of the proposal, OSHA was in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). OSHA stated in the proposal that it would present this proposed rule to ACCSH once that process was complete and would place the Committee's recommendations on the OSHA website and in the docket for this proposed rule to allow the public to provide comments on those recommendations. OSHA consulted with ACCSH on April 1 and May 19, 2026, and is now reopening the rulemaking record to allow for public comment for an additional 30 days. To read or download the ACCSH recommendations, comments, and other materials submitted in the docket, go to Docket No. OSHA-2025-0013 at [www.regulations.gov](http://www.regulations.gov). Additional materials and information related to OSHA's consultation with ACCSH will be available at <https://www.osha.gov/advisorycommittee/accsch/minutes>.

**Authority and Signature**

This document was prepared under the direction of David Keeling, Assistant

Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 33 U.S.C. 941, 40 U.S.C. 3704, 5 U.S.C. 553, 29 CFR part 1911, and Secretary of Labor's Order No. 07-2025 (90 FR 27878).

Dated: July 16, 2026.

**David Keeling,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2026-14844 Filed 7-21-26; 8:45 am]

**BILLING CODE 4510-26-P**

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**29 CFR Parts 1910, 1915, 1917, 1918, 1926**

**[Docket No. OSHA-2025-0019]**

**RIN 1218-AD54**

**1,2-Dibromo-3-Chloropropane**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Proposed rule; reopening of the rulemaking record.

**SUMMARY:** OSHA is providing an additional comment period to allow interested persons to comment on OSHA's proposal to revise the 1,2-dibromo-3-chloropropane standard. Following consideration of the rulemaking by OSHA's Advisory Committee on Construction Safety and Health (ACCSH), OSHA is re-opening the record for this rulemaking to provide an additional 30 days for public comment.

**DATES:** Written comments must be submitted on or before August 21, 2026.

**ADDRESSES:**

*Written comments:* You may submit comments and attachments, identified by Docket No. OSHA-2025-0019, electronically at [www.regulations.gov](http://www.regulations.gov), which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

*Instructions:* All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA-2025-0019). When uploading multiple attachments to [www.regulations.gov](http://www.regulations.gov), please number all your attachments because [www.regulations.gov](http://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document,

Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on [www.regulations.gov](http://www.regulations.gov).

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov). Therefore, OSHA cautions commenters about submitting information they do not want to make available to the public or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

*Docket:* The docket for this rulemaking (Docket No. OSHA-2025-0019) is available at [www.regulations.gov](http://www.regulations.gov), the Federal eRulemaking Portal. Additional materials and information related to OSHA's consultation with the Advisory Committee on Construction Safety and Health (ACCSH) will be available at <https://www.osha.gov/advisorycommittee/accsch/minutes>. All comments and submissions are listed on the [www.regulations.gov](http://www.regulations.gov) index; however, some information (e.g., copyrighted material) may not be publicly available to read or download through that website. All documents submitted to [www.regulations.gov](http://www.regulations.gov), including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693-2350 (TTY number: (877) 889-5627) for assistance in locating docket submissions.

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**FOR FURTHER INFORMATION CONTACT:**

*For press inquiries:* Contact Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693-1999; email: [OSHAComms@dol.gov](mailto:OSHAComms@dol.gov).

*For general information and technical inquiries:* Contact Andrew Levinson, Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693-1950; email: [osha.dsg@dol.gov](mailto:osha.dsg@dol.gov).

**SUPPLEMENTARY INFORMATION:** On July 1, 2025, OSHA published a proposal to revise OSHA's 1,2-Dibromo-3-Chloropropane standard (29 CFR 1910.1044) to reduce compliance

burdens, allow for the use of more up-to-date technology, and improve the comprehensibility of the requirements for respiratory protection programs under the standard (90 FR 28316). Part of the intent of this proposal was also to better align this standard with OSHA's Respiratory Protection standard (29 CFR 1910.134). The comment period was scheduled to end on September 2, 2025, but was subsequently extended an additional 60 days to November 1, 2025, in response to requests from the public (90 FR 40543).

At the time of publication of the proposal, OSHA was in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). OSHA stated in the proposal that it would present this proposed rule to ACCSH once that process was complete and would place the Committee's recommendations on the OSHA website and in the docket for this proposed rule to allow the public to provide comments on those recommendations. OSHA consulted with ACCSH on April 1, 2026, and is now reopening the rulemaking record to allow for public comment for an additional 30 days. To read or download the ACCSH recommendations, comments, and other materials submitted in the docket, go to Docket No. OSHA–2025–0019 at [www.regulations.gov](http://www.regulations.gov). Additional materials and information related to OSHA's consultation with ACCSH will be available at <https://www.osha.gov/advisorycommittee/accsch/minutes>.

#### Authority and Signature

This document was prepared under the direction of David Keeling, Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 33 U.S.C. 941, 40 U.S.C. 3704, 5 U.S.C. 553, 29 CFR part 1911, and Secretary of Labor's Order No. 07–2025 (90 FR 27878).

Dated: July 16, 2026.

**David Keeling,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2026–14847 Filed 7–21–26; 8:45 am]

BILLING CODE 4510–26–P

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Parts 1910, 1915, 1917, 1918, 1926

[Docket No. OSHA–2025–0018]

RIN 1218–AD63

#### Ethylene Oxide

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Proposed rule; reopening of the rulemaking record.

**SUMMARY:** OSHA is providing an additional comment period to allow interested people to comment on OSHA's proposal to revise the Ethylene Oxide standard. Following consideration of the rulemaking by OSHA's Advisory Committee on Construction Safety and Health (ACCSH), OSHA is re-opening the record for this rulemaking to provide an additional 30 days for public comment.

**DATES:** Written comments must be submitted on or before August 21, 2026.

#### ADDRESSES:

**Written comments:** You may submit comments and attachments, identified by Docket No. OSHA–2025–0018, electronically at [www.regulations.gov](http://www.regulations.gov), which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

**Instructions:** All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0018). When uploading multiple attachments to [www.regulations.gov](http://www.regulations.gov), please number all your attachments because [www.regulations.gov](http://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on [www.regulations.gov](http://www.regulations.gov).

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov). Therefore, OSHA cautions commenters about submitting information they do not want to make available to the public or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

**Docket:** The docket for this rulemaking (Docket No. OSHA–2025–0018) is available at [www.regulations.gov](http://www.regulations.gov), the Federal eRulemaking Portal. Additional materials and information related to OSHA's consultation with the Advisory Committee on Construction Safety and Health (ACCSH) will be available at <https://www.osha.gov/advisorycommittee/accsch/minutes>. All comments and submissions are listed on the [www.regulations.gov](http://www.regulations.gov) index; however, some information (e.g., copyrighted material) may not be publicly available to read or download through that website. All documents submitted to [www.regulations.gov](http://www.regulations.gov), including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY number: (877) 889–5627) for assistance in locating docket submissions.

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#### FOR FURTHER INFORMATION CONTACT:

**For press inquiries:** Contact Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: [OSHAComms@dol.gov](mailto:OSHAComms@dol.gov).

**For general information and technical inquiries:** Contact Andrew Levinson, Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693–1950; email: [osha.dsg@dol.gov](mailto:osha.dsg@dol.gov).

**SUPPLEMENTARY INFORMATION:** On July 1, 2025, OSHA published a proposal to revise OSHA's Ethylene Oxide standard (29 CFR 1910.1047) in order to reduce compliance burdens, allow for the use of more up-to-date technology, and improve the comprehensibility of the requirements for respiratory protection programs under the standard (90 FR 28307). Part of the intent of this proposal was also to better align this standard with OSHA's Respiratory Protection standard (29 CFR 1910.134). The comment period was scheduled to end on September 2, 2025, but was subsequently extended an additional 60 days to November 1, 2025, in response to requests from the public (90 FR 40548).

At the time of publication of the proposal, OSHA was in the process of appointing members to the Advisory Committee on Construction Safety and

Health (ACCSH). OSHA stated in the proposal that it would present this proposed rule to ACCSH once that process was complete and would place the Committee's recommendations on the OSHA website and in the docket for this proposed rule to allow the public to provide comments on those recommendations. OSHA consulted with ACCSH on April 1 and May 19, 2026, and is now reopening the rulemaking record for an additional 30 days. To read or download the ACCSH recommendations, comments, and other materials submitted in the docket, go to Docket No. OSHA-2025-0018 at [www.regulations.gov](http://www.regulations.gov). Additional materials and information related to OSHA's consultation with ACCSH will be available at <https://www.osha.gov/advisorycommittee/acssh/minutes>.

#### Authority and Signature

This document was prepared under the direction of David Keeling, Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 33 U.S.C. 941, 40 U.S.C. 3704, 5 U.S.C. 553, 29 CFR part 1911, and Secretary of Labor's Order No. 07-2025 (90 FR 27878).

Dated: July 16, 2026.

**David Keeling,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2026-14843 Filed 7-21-26; 8:45 am]

BILLING CODE 4510-26-P

#### DEPARTMENT OF LABOR

#### Occupational Safety and Health Administration

#### 29 CFR Parts 1910, 1915, 1917, 1918, 1926

[Docket No. OSHA-2025-0024]

RIN 1218-AD58

#### Asbestos

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Proposed rule; reopening of the rulemaking record.

**SUMMARY:** OSHA is providing an additional comment period to allow interested people to comment on OSHA's proposal to revise the Asbestos standards. Following consideration of the rulemaking by OSHA's Advisory Committee on Construction Safety and Health (ACCSH), OSHA is re-opening the record for this rulemaking to

provide an additional 30 days for public comment.

**DATES:** Written comments must be submitted on or before August 21, 2026.

#### ADDRESSES:

*Written comments:* You may submit comments and attachments, identified by Docket No. OSHA-2025-0024, electronically at [www.regulations.gov](http://www.regulations.gov), which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

*Instructions:* All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA-2025-0024). When uploading multiple attachments to [www.regulations.gov](http://www.regulations.gov), please number all your attachments because [www.regulations.gov](http://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on [www.regulations.gov](http://www.regulations.gov).

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov). Therefore, OSHA cautions commenters about submitting information they do not want made available to the public or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

*Docket:* The docket for this rulemaking (Docket No. OSHA-2025-0024) is available at [www.regulations.gov](http://www.regulations.gov), the Federal eRulemaking Portal. Additional materials and information related to OSHA's consultation with the Advisory Committee on Construction Safety and Health (ACCSH) will be available at <https://www.osha.gov/advisorycommittee/acssh/minutes>. All comments and submissions are listed on the [www.regulations.gov](http://www.regulations.gov) index; however, some information (e.g., copyrighted material) may not be publicly available to read or download through that website. All documents submitted to [www.regulations.gov](http://www.regulations.gov), including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693-2350 (TTY number: (877) 889-5627) for assistance in locating docket submissions.

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#### FOR FURTHER INFORMATION CONTACT:

*For press inquiries:* Contact Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693-1999; email: [OSHAComms@dol.gov](mailto:OSHAComms@dol.gov).

*For general information and technical inquiries:* Contact Andrew Levinson, Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693-1950; email: [osha.dsg@dol.gov](mailto:osha.dsg@dol.gov).

**SUPPLEMENTARY INFORMATION:** On July 1, 2025, OSHA published a proposal to revise OSHA's Asbestos standards (29 CFR 1910.1001, 1915.1001, and 1926.1101) in order to reduce compliance burdens, allow for the use of more up-to-date technology, and improve the comprehensibility of the requirements for respiratory protection programs under the standards (90 FR 28295). Part of the intent of this proposal was also to better align these standards with OSHA's Respiratory Protection standard (29 CFR 1910.134). The comment period was scheduled to end on September 2, 2025, but was subsequently extended an additional 60 days to November 1, 2025, in response to requests from the public (90 FR 40542).

At the time of publication of the proposal, OSHA was in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). OSHA stated in the proposal that it would present this proposed rule to ACCSH once that process was complete and would place the Committee's recommendations on the OSHA website and in the docket for this proposed rule to allow the public to provide comments on those recommendations. OSHA consulted with ACCSH on April 1 and May 19, 2026, and is now reopening the rulemaking record for an additional 30 days. To read or download the ACCSH recommendations, comments, and other materials submitted in the docket, go to Docket No. OSHA-2025-0024 at [www.regulations.gov](http://www.regulations.gov). Additional materials and information related to OSHA's consultation with ACCSH will be available at <https://www.osha.gov/advisorycommittee/acssh/minutes>.

#### Authority and Signature

This document was prepared under the direction of David Keeling, Assistant

Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 33 U.S.C. 941, 40 U.S.C. 3704, 5 U.S.C. 553, 29 CFR part 1911, and Secretary of Labor's Order No. 07–2025 (90 FR 27878).

Dated: July 16, 2026.

**David Keeling,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2026–14840 Filed 7–21–26; 8:45 am]

**BILLING CODE 4510–26–P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Parts 1910, 1915, 1917, 1918, 1926

[Docket No. OSHA–2025–0017]

**RIN 1218–AD57**

#### Acrylonitrile

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Proposed rule; reopening of the rulemaking record.

**SUMMARY:** OSHA is providing an additional comment period to allow interested persons to comment on OSHA's proposal to revise the Acrylonitrile standard. Following consideration of the rulemaking by OSHA's Advisory Committee on Construction Safety and Health (ACCSH), OSHA is re-opening the record for this rulemaking to provide an additional 30 days for public comment.

**DATES:** Written comments must be submitted on or before August 21, 2026.

**ADDRESSES:**

*Written comments:* You may submit comments and attachments, identified by Docket No. OSHA–2025–0017, electronically at [www.regulations.gov](http://www.regulations.gov), which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

*Instructions:* All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0017). When uploading multiple attachments to [www.regulations.gov](http://www.regulations.gov), please number all your attachments because [www.regulations.gov](http://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document,

Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on [www.regulations.gov](http://www.regulations.gov).

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*Docket:* The docket for this rulemaking (Docket No. OSHA–2025–0017) is available at [www.regulations.gov](http://www.regulations.gov), the Federal eRulemaking Portal. Additional materials and information related to OSHA's consultation with the Advisory Committee on Construction Safety and Health (ACCSH) will be available at <https://www.osha.gov/advisorycommittee/acsh/minutes>. All comments and submissions are listed on the [www.regulations.gov](http://www.regulations.gov) index; however, some information (e.g., copyrighted material) may not be publicly available to read or download through that website. All documents submitted to [www.regulations.gov](http://www.regulations.gov), including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY number: (877) 889–5627) for assistance in locating docket submissions.

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**FOR FURTHER INFORMATION CONTACT:**

*For press inquiries:* Contact Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: [OSHAComms@dol.gov](mailto:OSHAComms@dol.gov).

*For general information and technical inquiries:* Contact Andrew Levinson, Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693–1950; email: [osha.dsg@dol.gov](mailto:osha.dsg@dol.gov).

**SUPPLEMENTARY INFORMATION:** On July 1, 2025, OSHA published a proposal to revise OSHA's Acrylonitrile standard (29 CFR 1910.1045) in order to reduce compliance burdens and improve the comprehensibility of the requirements

for respiratory protection programs under the standard (90 FR 28291). Part of the intent of this proposal was also to better align this standard with OSHA's Respiratory Protection standard (29 CFR 1910.134). The comment period was scheduled to end on September 2, 2025, but was subsequently extended an additional 60 days to November 1, 2025, in response to requests from the public (90 FR 40543).

At the time of publication of the proposal, OSHA was in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). OSHA stated in the proposal that it would present this proposed rule to ACCSH once that process was complete and would place the Committee's recommendations on the OSHA website and in the docket for this proposed rule to allow the public to provide comments on those recommendations. OSHA consulted with ACCSH on April 1, 2026, and is now reopening the rulemaking record to allow for public comment for an additional 30 days. To read or download the ACCSH recommendations, comments, and other materials submitted in the docket, go to Docket No. OSHA–2025–0017 at [www.regulations.gov](http://www.regulations.gov). Additional materials and information related to OSHA's consultation with ACCSH will be available at <https://www.osha.gov/advisorycommittee/acsh/minutes>.

#### Authority and Signature

This document was prepared under the direction of David Keeling, Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 33 U.S.C. 941, 40 U.S.C. 3704, 5 U.S.C. 553, 29 CFR part 1911, Secretary of Labor's Order No. 07–2025 (90 FR 27878).

Dated: July 16, 2026.

**David Keeling,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2026–14845 Filed 7–21–26; 8:45 am]

**BILLING CODE 4510–26–P**

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration****29 CFR Parts 1910, 1915, 1917, 1918, 1926****[Docket No. OSHA–2025–0016]****RIN 1218–AD65****Inorganic Arsenic****AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.**ACTION:** Proposed rule; reopening of the rulemaking record.

**SUMMARY:** OSHA is providing an additional comment period to allow interested people to comment on OSHA's proposal to revise the Inorganic Arsenic standard. Following consideration of the rulemaking by OSHA's Advisory Committee on Construction Safety and Health (ACCSH), OSHA is re-opening the record for this rulemaking to provide an additional 30 days for public comment.

**DATES:** Written comments must be submitted on or before August 21, 2026.

**ADDRESSES:**

*Written comments:* You may submit comments and attachments, identified by Docket No. OSHA–2025–0016, electronically at [www.regulations.gov](http://www.regulations.gov), which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

*Instructions:* All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0016). When uploading multiple attachments to [www.regulations.gov](http://www.regulations.gov), please number all your attachments because [www.regulations.gov](http://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on [www.regulations.gov](http://www.regulations.gov).

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov). Therefore, OSHA cautions commenters about submitting information they do not want to make available to the public or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

*Docket:* The docket for this rulemaking (Docket No. OSHA–2025–0016) is available at [www.regulations.gov](http://www.regulations.gov), the Federal eRulemaking Portal. Additional materials and information related to OSHA's consultation with the Advisory Committee on Construction Safety and Health (ACCSH) will be available at <https://www.osha.gov/advisorycommittee/accsch/minutes>. All comments and submissions are listed on the [www.regulations.gov](http://www.regulations.gov) index; however, some information (e.g., copyrighted material) may not be publicly available to read or download through that website. All documents submitted to [www.regulations.gov](http://www.regulations.gov), including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY number: (877) 889–5627) for assistance in locating docket submissions.

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**FOR FURTHER INFORMATION CONTACT:**

*For press inquiries:* Contact Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: [OSHAComms@dol.gov](mailto:OSHAComms@dol.gov).

*For general information and technical inquiries:* Contact Andrew Levinson, Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693–1950; email: [osha.dsg@dol.gov](mailto:osha.dsg@dol.gov).

**SUPPLEMENTARY INFORMATION:** On July 1, 2025, OSHA published a proposal to revise OSHA's Inorganic Arsenic standard (29 CFR 1910.1018) in order to reduce compliance burdens, allow for the use of more up-to-date technology, and improve the comprehensibility of the requirements for respiratory protection programs under the standard (90 FR 28267). Part of the intent of this proposal was also to better align this standard with OSHA's Respiratory Protection standard (29 CFR 1910.134). The comment period was scheduled to end on September 2, 2025, but was subsequently extended an additional 60 days to November 1, 2025, in response to requests from the public (90 FR 40545).

At the time of publication of the proposal, OSHA was in the process of appointing members to the Advisory Committee on Construction Safety and

Health (ACCSH). OSHA stated in the proposal that it would present this proposed rule to ACCSH once that process was complete and would place the Committee's recommendations on the OSHA website and in the docket for this proposed rule to allow the public to provide comments on those recommendations. OSHA consulted with ACCSH on April 1 and May 19, 2026, and is now reopening the rulemaking record to allow for public comment for an additional 30 days. To read or download the ACCSH recommendations, comments, and other materials submitted in the docket, go to Docket No. OSHA–2025–0016 at [www.regulations.gov](http://www.regulations.gov). Additional materials and information related to OSHA's consultation with ACCSH will be available at <https://www.osha.gov/advisorycommittee/accsch/minutes>.

**Authority and Signature**

This document was prepared under the direction of David Keeling, Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 33 U.S.C. 941, 40 U.S.C. 3704, 5 U.S.C. 553, 29 CFR part 1911, and Secretary of Labor's Order No. 07–2025 (90 FR 27878).

Dated: July 16, 2026.

**David Keeling,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2026–14850 Filed 7–21–26; 8:45 am]

**BILLING CODE 4510–26–P**

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration****29 CFR Parts 1910, 1915, 1917, 1918, 1926****[Docket No. OSHA–2025–0020]****RIN 1218–AD55****1, 3-Butadiene****AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.**ACTION:** Proposed rule; reopening of the rulemaking record.

**SUMMARY:** OSHA is providing an additional comment period to allow interested persons to comment on OSHA's proposal to revise the 1,3-Butadiene standard. Following consideration of the rulemaking by OSHA's Advisory Committee on Construction Safety and Health

(ACCSH), OSHA is reopening the record for this rulemaking to provide an additional 30 days for public comment.

**DATES:** Written comments must be submitted on or before August 21, 2026.

**ADDRESSES:**

*Written comments:* You may submit comments and attachments, identified by Docket No. OSHA–2025–0020, electronically at [www.regulations.gov](http://www.regulations.gov), which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

*Instructions:* All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0020). When uploading multiple attachments to [www.regulations.gov](http://www.regulations.gov), please number all your attachments because [www.regulations.gov](http://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on [www.regulations.gov](http://www.regulations.gov).

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov). Therefore, OSHA cautions commenters about submitting information they do not want to make available to the public or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

*Docket:* The docket for this rulemaking (Docket No. OSHA–2025–0020) is available at [www.regulations.gov](http://www.regulations.gov), the Federal eRulemaking Portal. Additional materials and information related to OSHA's consultation with the Advisory Committee on Construction Safety and Health (ACCSH) will be available at <https://www.osha.gov/advisorycommittee/accsh/minutes>. All comments and submissions are listed on the [www.regulations.gov](http://www.regulations.gov) index; however, some information (e.g., copyrighted material) may not be publicly available to read or download through that website. All documents submitted to [www.regulations.gov](http://www.regulations.gov), including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY number: (877) 889–5627) for assistance in locating docket submissions.

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**SUPPLEMENTARY INFORMATION:** On July 1, 2025, OSHA published a proposal to revise OSHA's 1,3-Butadiene standard (29 CFR 1910.1051) in order to reduce compliance burdens, allow for the use of more up-to-date technology, and improve the comprehensibility of the requirements for respiratory protection programs under the standard (90 FR 28302). Part of the intent of this proposal was also to better align this standard with OSHA's Respiratory Protection standard (29 CFR 1910.134). The comment period was scheduled to end on September 2, 2025, but was subsequently extended an additional 60 days to November 1, 2025, in response to requests from the public (90 FR 40546).

At the time of publication of the proposal, OSHA was in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). OSHA stated in the proposal that it would present this proposed rule to ACCSH once that process was complete and would place the Committee's recommendations on the OSHA website and in the docket for this proposed rule to allow the public to provide comments on those recommendations. OSHA consulted with ACCSH on April 1 and May 19, 2026, and is now reopening the rulemaking record to allow for public comment for an additional 30 days. To read or download the ACCSH recommendations, comments, and other materials submitted in the docket, go to Docket No. OSHA–2025–0020 at [www.regulations.gov](http://www.regulations.gov). Additional materials and information related to OSHA's consultation with ACCSH will be available at <https://www.osha.gov/advisorycommittee/accsh/minutes>.

**Authority and Signature**

This document was prepared under the direction of David Keeling, Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 33 U.S.C. 941, 40 U.S.C. 3704, 5 U.S.C. 553, 29 CFR part 1911, and Secretary of Labor's Order No. 07–2025 (90 FR 27878).

Dated: July 16, 2026.

**David Keeling,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2026–14839 Filed 7–21–26; 8:45 am]

**BILLING CODE 4510–26–P**

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**29 CFR Parts 1910, 1915, 1917, 1918, 1926**

**[Docket No. OSHA–2025–0012]**

**RIN 1218–AD67**

**Methylene Chloride**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Proposed rule; reopening of the rulemaking record.

**SUMMARY:** OSHA is providing an additional comment period to allow interested people to comment on OSHA's proposal to revise the Methylene Chloride standard. Following consideration of the rulemaking by OSHA's Advisory Committee on Construction Safety and Health (ACCSH), OSHA is re-opening the record for this rulemaking to provide an additional 30 days for public comment.

**DATES:** Written comments must be submitted on or before August 21, 2026.

**ADDRESSES:**

*Written comments:* You may submit comments and attachments, identified by Docket No. OSHA–2025–0012, electronically at [www.regulations.gov](http://www.regulations.gov), which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

*Instructions:* All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0012). When uploading multiple attachments to [www.regulations.gov](http://www.regulations.gov), please number all your attachments because [www.regulations.gov](http://www.regulations.gov) will not automatically number the attachments.

This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on [www.regulations.gov](http://www.regulations.gov).

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**Docket:** The docket for this rulemaking (Docket No. OSHA–2025–0012) is available at [www.regulations.gov](http://www.regulations.gov), the Federal eRulemaking Portal. Additional materials and information related to OSHA's consultation with the Advisory Committee on Construction Safety and Health (ACCSH) will be available at <https://www.osha.gov/advisorycommittee/accsh/minutes>. All comments and submissions are listed on the [www.regulations.gov](http://www.regulations.gov) index; however, some information (e.g., copyrighted material) may not be publicly available to read or download through that website. All documents submitted to [www.regulations.gov](http://www.regulations.gov), including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY number: (877) 889–5627) for assistance in locating docket submissions.

**Copies of this Federal Register Notice:** Electronic copies of this **Federal Register** document are available at <http://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, is available on OSHA's web page at <http://www.osha.gov>.

**FOR FURTHER INFORMATION CONTACT:**

**For press inquiries:** Contact Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: [OSHAComms@dol.gov](mailto:OSHAComms@dol.gov).

**For general information and technical inquiries:** Contact Andrew Levinson, Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693–1950; email: [osha.dsg@dol.gov](mailto:osha.dsg@dol.gov).

**SUPPLEMENTARY INFORMATION:** On July 1, 2025, OSHA published a proposal to

revise OSHA's Methylene chloride standard (29 CFR 1910.1052) to reduce compliance burdens, allow for the use of additional types of respirators, and improve the comprehensibility of the requirements for respiratory protection programs under the standard (90 FR 28272). Part of the intent of this proposal was also to better align this standard with OSHA's Respiratory Protection standard (29 CFR 1910.134). The comment period was scheduled to end on September 2, 2025, but was subsequently extended an additional 60 days to November 1, 2025, in response to requests from the public (90 FR 40544).

At the time of publication of the proposal, OSHA was in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). OSHA stated in the proposal that it would present this proposed rule to ACCSH once that process was complete and would place the Committee's recommendations on the OSHA website and in the docket for this proposed rule to allow the public to provide comments on those recommendations. OSHA consulted with ACCSH on April 1 and May 19, 2026, and is now reopening the rulemaking record for an additional 30 days. To read or download the ACCSH recommendations, comments, and other materials submitted in the docket, go to Docket No. OSHA–2025–0012 at [www.regulations.gov](http://www.regulations.gov). Additional materials and information related to OSHA's consultation with ACCSH will be available at <https://www.osha.gov/advisorycommittee/accsh/minutes>.

**Authority and Signature**

This document was prepared under the direction of David Keeling, Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 33 U.S.C. 941, 40 U.S.C. 3704, 5 U.S.C. 553, 29 CFR part 1911, and Secretary of Labor's Order No. 07–2025 (90 FR 27878).

Dated: July 16, 2026.

**David Keeling,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2026–14854 Filed 7–21–26; 8:45 am]

**BILLING CODE 4510–26–P**

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**29 CFR Parts 1910, 1915, 1917, 1918, 1926, 1928**

**[Docket No. OSHA–2025–0021]**

**RIN 1218–AD60**

**Cadmium**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Proposed rule; reopening of the rulemaking record.

**SUMMARY:** OSHA is providing an additional comment period to allow interested persons to comment on OSHA's proposal to revise the Cadmium standards. Following consideration of the rulemaking by OSHA's Advisory Committee on Construction Safety and Health (ACCSH), OSHA is re-opening the record for this rulemaking to provide an additional 30 days for public comment.

**DATES:** Written comments must be submitted on or before August 21, 2026.

**ADDRESSES:**

**Written comments:** You may submit comments and attachments, identified by Docket No. OSHA–2025–0021, electronically at [www.regulations.gov](http://www.regulations.gov), which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

**Instructions:** All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2025–0021). When uploading multiple attachments to [www.regulations.gov](http://www.regulations.gov), please number all your attachments because [www.regulations.gov](http://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on [www.regulations.gov](http://www.regulations.gov).

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov). Therefore, OSHA cautions commenters about submitting information they do not want to make available to the public or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

**Docket:** The docket for this rulemaking (Docket No. OSHA–2025–0021) is available at [www.regulations.gov](http://www.regulations.gov), the Federal eRulemaking Portal. Additional materials and information related to OSHA’s consultation with the Advisory Committee on Construction Safety and Health (ACCSH) will be available at <https://www.osha.gov/advisorycommittee/accsh/minutes>. All comments and submissions are listed on the [www.regulations.gov](http://www.regulations.gov) index; however, some information (e.g., copyrighted material) may not be publicly available to read or download through that website. All documents submitted to [www.regulations.gov](http://www.regulations.gov), including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY number: (877) 889–5627) for assistance in locating docket submissions.

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**FOR FURTHER INFORMATION CONTACT:**

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: [OSHAComms@dol.gov](mailto:OSHAComms@dol.gov).

For general information and technical inquiries: Contact Andrew Levinson, Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693–1950; email: [osha.dsg@dol.gov](mailto:osha.dsg@dol.gov).

**SUPPLEMENTARY INFORMATION:** On July 1, 2025, OSHA published a proposal to revise OSHA’s Cadmium standards (29 CFR 1910.1027 and 1926.1127) in order to reduce compliance burdens, allow for the use of more up-to-date technology, and improve the comprehensibility of the requirements for respiratory protection programs under the standards (90 FR 28330). Part of the intent of this proposal was also to better align this standard with OSHA’s Respiratory Protection standard (29 CFR 1910.134). The comment period was scheduled to end on September 2, 2025, but was subsequently extended an additional 60 days to November 1, 2025, in response to requests from the public (90 FR 40552).

At the time of publication of the proposal, OSHA was in the process of appointing members to the Advisory Committee on Construction Safety and

Health (ACCSH). OSHA stated in the proposal that it would present this proposed rule to ACCSH once that process was complete and would place the Committee’s recommendations on the OSHA website and in the docket for this proposed rule to allow the public to provide comments on those recommendations. OSHA consulted with ACCSH on April 1 and May 19, 2026, and is now reopening the rulemaking record to allow for public comment for an additional 30 days. To read or download the ACCSH recommendations, comments, and other materials submitted in the docket, go to Docket No. OSHA–2025–0021 at [www.regulations.gov](http://www.regulations.gov). Additional materials and information related to OSHA’s consultation with ACCSH will be available at <https://www.osha.gov/advisorycommittee/accsh/minutes>.

**Authority and Signature**

This document was prepared under the direction of David Keeling, Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 33 U.S.C. 941, 40 U.S.C. 3704, 5 U.S.C. 553, 29 CFR part 1911, and Secretary of Labor’s Order No. 07–2025 (90 FR 27878).

Dated: July 16, 2026.

**David Keeling,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2026–14842 Filed 7–21–26; 8:45 am]

**BILLING CODE 4510–26–P**

**DEPARTMENT OF COMMERCE**

**United States Patent and Trademark Office**

**37 CFR Part 1**

[Docket No. PTO–P–2025–0545]

**RIN 0651–AD94**

**Requirement To Identify All Real Parties in Interest to a Third Party Request for an Ex Parte Reexamination**

**AGENCY:** United States Patent and Trademark Office, Department of Commerce.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The United States Patent and Trademark Office (USPTO or Office) is proposing to amend the rules of practice to require a third party request for *ex parte* reexamination to include a statement by the third party requester identifying all real parties in interest to

the *ex parte* reexamination request. This statement would be kept confidential upon request. This proposed requirement would provide the Office with a mechanism to evaluate statutory estoppel provisions. It would also enhance the Office’s ability to respond to false certifications, misrepresentations, and fraud.

**DATES:** Comments must be received by August 21, 2026 to ensure consideration.

**ADDRESSES:** For reasons of Government efficiency, comments must be submitted through the Federal eRulemaking Portal at: <https://www.regulations.gov>. To submit comments via the portal, one should enter docket number PTO–P–2025–0545 on the homepage and select the “Search” button. The site will provide search results listing all documents associated with this docket. Commenters can find a reference to this notice and select the “Comment” button, complete the required fields, and enter or attach their comments. Attachments to electronic comments will be accepted in Adobe® portable document format (PDF) or Microsoft Word® format. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

Please visit the Federal eRulemaking Portal for additional instructions on providing comments via the portal. If electronic submission of, or access to, comments is not feasible due to a lack of access to a computer and/or the internet, please contact the USPTO using the contact information below for special instructions.

The docket for this rulemaking in the Federal eRulemaking Portal at <https://www.regulations.gov> contains a plain language summary of this proposed rule, as required by 5 U.S.C. 553(b)(4).

**FOR FURTHER INFORMATION CONTACT:** Steven Fulk, Legal Advisor, at 571–270–0072, or Nicole Haines, Senior Legal Advisor, at 571–272–7717, with the Office of Patent Legal Administration, Office of the Deputy Commissioner for Patents.

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

Currently, a third party requester may submit an *ex parte* reexamination request anonymously without identifying the real party(ies) in interest to the request (*i.e.*, the identity of the requester and any other real parties in interest). See 37 CFR 1.501(d) and Manual of Patent Examining Procedure (MPEP) (9th ed., Rev. 01.2024,

November 2024) section 2214, subsection I. 35 U.S.C. 302 states “[a]ny person at any time may file a request for reexamination by the Office of any claim of a patent on the basis of any prior art cited under the provisions of section 301.” Under 35 U.S.C. 301(e), a person citing to the Office prior art or written statements may request that the “person’s identity [ ] be excluded from the patent file and kept confidential.” When enacting Section 301(e), Congress explained that, “[w]ithout the confidentiality provision, competitors of a patent owner might be reluctant to cite prior art to the [Office].” H.R. Rep. 96–1307, 6, 1980 U.S.C.C.A.N. 6460, 6465. 37 CFR 1.501(d) further states “[i]f the person making the submission wishes his or her identity to be excluded from the patent file and kept confidential, the submission papers must be submitted anonymously without any identification of the person making the submission.”

Therefore, under the Office’s current rules and procedures, the identity of the party(ies) seeking the reexamination may be concealed from both the public and the Office. While the Office recognizes the importance and continuing applicability of Section 301(e), that provision only requires keeping the requester’s identity confidential from the public, not from the Office. Similarly, current 35 U.S.C. 315(e), which was enacted years after Sections 301 and 302, requires the Office to administer estoppels triggered by the identity of the party(ies) seeking reexamination. The Office is proposing to amend the rules of practice to require a third party request for *ex parte* reexamination to include a statement by the third party requester identifying all real parties in interest to the *ex parte* reexamination request. Upon request, that statement would be excluded from the patent and reexamination files and kept confidential.

## II. Background

### A. 2012 AIA Rulemaking

The Leahy-Smith America Invents Act (Pub. L. 112–29, 125 Stat. 284 (2011)), effective in 2012, contains statutory estoppel provisions in 35 U.S.C. 315(e)(1) and 35 U.S.C. 325(e)(1) regarding proceedings before the Office. Specifically, these estoppel provisions prevent a petitioner in an *inter partes* review or post-grant review of a claim in a patent that results in a final written decision under 35 U.S.C. 318(a) or 328(a), or the real party in interest or privy of the petitioner, from requesting or maintaining a proceeding before the Office with respect to that claim on any ground that the petitioner raised or

reasonably could have raised during that *inter partes* review or post-grant review. When enacting the Leahy-Smith America Invents Act, a member of Congress stated “[t]he Office recognizes that it will need to change its regulations and require that *ex parte* reexamination requesters identify themselves to the Office in order for the Office to be able to enforce this new [estoppel] restriction.” 157 Cong. Rec. S1376 (Mar. 8, 2011) (Sen. Kyl).

In January 2012, the Office issued a Notice of Proposed Rulemaking that proposed new 37 CFR 1.510(b)(6) and (b)(7). See *Changes to Implement Miscellaneous Post Patent Provisions of the Leahy-Smith America Invents Act*, 77 FR 442 (Jan. 5, 2012) (“January 2012 Notice of Proposed Rulemaking”). Proposed § 1.510(b)(6) introduced a certification requirement that was adopted with some modification in a final rule. See *Changes to Implement Miscellaneous Post Patent Provisions of the Leahy-Smith America Invents Act*, 77 FR 46615 (Aug. 6, 2012) (“August 2012 Final Rule”). As adopted, § 1.510(b)(6) requires that a third party request for *ex parte* reexamination contain a certification by the third party requester that the statutory estoppel provisions of *inter partes* review and post-grant review at 35 U.S.C. 315(e)(1) or 35 U.S.C. 325(e)(1), respectively, do not bar the third party from requesting *ex parte* reexamination.

Proposed 37 CFR 1.510(b)(7) required identification of the real party(ies) in interest to a request for *ex parte* reexamination, but it was not adopted by the Office. See August 2012 Final Rule, 77 FR at 46621–22. At that time, the Office considered the certification requirement of § 1.510(b)(6), coupled with a party’s obligations under 37 CFR 11.18 when transacting business before the Office, sufficient to ensure compliance with the statutory estoppel requirements. *Id.* Several comments in response to the 2012 proposed rule suggested that requiring identification of the real party(ies) in interest could have a chilling effect on the submission of *ex parte* reexamination requests. See Comment 20, August 2012 Final Rule, 77 FR at 46621. Several other comments pointed out that, should the Office retain the requirement for identification of the real party(ies) in interest, procedures for safeguarding anonymity are critical. See Comment 25, August 2012 Final Rule, 77 FR at 46622. Further, a number of comments suggested that the statement identifying the real party(ies) in interest be deleted because it is unnecessary in view of the certification in § 1.510(b)(6). *Id.*

Thus, as adopted, the 2012 rules allowed the identity of real party(ies) in interest to a request for *ex parte* reexamination to remain concealed from both the Office and the public.

### B. Anonymous Requests for Ex Parte Reexamination

Currently, a real party in interest that wishes to remain anonymous when filing a request for reexamination under § 1.510 can do so by utilizing the services of a registered practitioner. See MPEP 2214, subsection I. In such an instance, the registered practitioner submitting a request for reexamination on behalf of the real party in interest to the request would be certifying, pursuant to § 1.510(b)(6), that the real party in interest was not estopped under 35 U.S.C. 315(e)(1) or 325(e)(1) from filing the request.

Under 37 CFR 11.18(b), a party presenting a paper to the Office must certify, among other things, that: (1) all statements made therein are true or believed to be true, and that knowingly and willfully making any false or fraudulent statement is subject to criminal penalties; and (2) to the best of the party’s knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of any proceeding before the Office, and the legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law. As previously discussed, the certification requirement under § 1.510(b)(6), coupled with the party’s § 11.18 certification obligations, had been considered sufficient to ensure compliance with the *inter partes* review and post-grant review statutory estoppel requirements.

However, this ability to file an anonymous request for *ex parte* reexamination is in tension with the estoppel provisions of 35 U.S.C. 315(e)(1) and 325(e)(1). The Office cannot independently ascertain whether the party is estopped if the identity of the requester, and all real parties in interest to the request, are not identified.

## III. Requirement To Identify All Real Parties in Interest to a Third Party Request for Ex Parte Reexamination

The Office is currently receiving a significant number of *ex parte* reexamination requests under 35 U.S.C. 302 that are directed to patents

previously challenged in *inter partes* or post-grant review proceedings. Thus, there is risk that the statutory estoppel provisions of 35 U.S.C. 315(e)(1) or 35 U.S.C. 325(e)(1) may apply to the real party(ies) in interest to an *ex parte* reexamination request. Additionally, because the issue of whether a party is a real party in interest can be a disputed question, there is a possibility that the Office's reliance on a party's 37 CFR 1.510(b)(6) certification alone, even if provided in good faith, could result in ordering reexamination on a request that otherwise should be barred by the statutory estoppel provisions of 35 U.S.C. 315(e)(1) or 35 U.S.C. 325(e)(1). Under the current certification practice, the Office does not know the identity of the real party(ies) in interest to an anonymous request. That can lead to inefficient use of Office resources when considering whether estoppel applies, including when considering petitions by patent owners disputing a third party requester's § 1.510(b)(6) certification. Requiring disclosure to the Office of all real parties in interest to the request will promote complete and efficient evaluation of whether estoppel applies, thereby protecting patent owners from requests that are subject to estoppel. Ultimately, proceeding with a reexamination request where one or more parties should be estopped would not only be statutorily improper, but would waste Office resources in conducting an improper reexamination proceeding, and would be unfair to the patent owner to have to defend against a reexamination proceeding that should have been barred by statute.

In view of these shortcomings, the § 1.510(b)(6) certification and the obligations of § 11.18(b) are no longer deemed sufficient to ensure compliance with the statutory estoppel provisions. The Office has determined that it needs the identity of all real party(ies) in interest to the reexamination request in order to effectively and efficiently evaluate 35 U.S.C. 315(e)(1) or 35 U.S.C. 325(e)(1) estoppel.

The Office is proposing to amend the rules of practice to add § 1.510(b)(7), requiring a request for *ex parte* reexamination to include a statement by a third party requester identifying all real parties in interest to the *ex parte* reexamination request, which statement would be retained in confidence upon request. Specifically, the Office is requiring identification of the requester and any other real parties in interest to the request. The Office recognizes the public's concerns about ensuring confidentiality of the requester's identity that are reflected in the comments to the January 2012 Notice of

Proposed Rulemaking and will take appropriate steps to alleviate those concerns. When a third party requester files the proposed § 1.510(b)(7) statement according to parameters established by the Office and requests the statement remain confidential, the Office intends to provide robust data security measures to exclude the statement from the patent and reexamination files and keep the statement confidential. These measures would assist in providing the critical safeguarding of the confidential information desired by stakeholders and required by 35 U.S.C. 301(e) and 302, thereby reducing any chilling effect on the submission of *ex parte* reexamination requests. Furthermore, the Office recognizes that it may need to rely on the confidential real party(ies) in interest information in making determinations and decisions during the course of the reexamination proceeding. The Office will take reasonable steps to ensure that any decision will not disclose the confidential information.

The proposed § 1.510(b)(7) statement requiring identification of all real parties in interest to the *ex parte* reexamination request is expected to provide more efficient and effective evaluation of the estoppel provisions while still maintaining the confidentiality of a requester's identity as required by 35 U.S.C. 301(e) and 302. Also, the proposed § 1.510(b)(7) statement would better serve Congress's intent in enacting the Section 315(e)(1) and 325(e)(1) estoppel provisions to "significantly reduce the ability to use post-grant procedures for abusive serial challenges to patents." 157 Cong. Rec. S936, S952 (daily ed. Feb. 28, 2011) (statement of Sen. Grassley). Further, the identification requirement in proposed § 1.510(b)(7) is consistent with the existing *inter partes* review and post-grant review practice of identifying all real parties in interest. *See, e.g.*, 35 U.S.C. 312(a)(2) (requiring a petition for *inter partes* review to identify all real parties in interest).

The proposed § 1.510(b)(7) statement would also be beneficial should the Office implement the recently proposed changes to 37 CFR 42.108 ("Institution of *inter partes* review") regarding the rules of practice before the Patent Trial and Appeal Board (PTAB). *See* Revision to Rules of Practice Before the Patent Trial and Appeal Board, 90 FR 48335 (Oct. 17, 2025) ("PTAB Notice of Proposed Rulemaking"). Proposed § 42.108(e)(5) would preclude *inter partes* review of a claim if it was found patentable following a prior *ex parte* reexamination request filed by someone other than the patent owner or the

patent owner's real party in interest or privy. PTAB Notice of Proposed Rulemaking, 90 FR at 48341. A comment in response to proposed § 42.108(e)(5) raised concerns that a requester's ability to file an *ex parte* reexamination request anonymously would undercut this provision. *See* Comment PTO-P-2025-0025-2022, page 8 (available at [www.regulations.gov/docket/PTO-P-2025-0025](http://www.regulations.gov/docket/PTO-P-2025-0025)). This proposed § 1.510(b)(7) statement would ensure that the Office is aware of the identity of all real parties in interest to the *ex parte* reexamination request when determining whether to allow an *inter partes* review to proceed.

The benefits of the proposed § 1.510(b)(7) identification requirement also extend to situations where there are no prior *inter partes* review or post-grant review proceedings involving the same patent. Gathering information regarding the real parties in interest to a third party request for *ex parte* reexamination would facilitate fraud mitigation. For example, the USPTO currently issues show cause orders in reexamination proceedings where an apparent misrepresentation has been made, such as unauthorized practice before the USPTO. Having the real party(ies) in interest information available upon filing of a request could eliminate ambiguities in such instances or permit the USPTO to act more efficiently when it is clear a misrepresentation was made in the request, thereby protecting the integrity of the U.S. patent system.

#### IV. Discussion of Specific Sections

The USPTO proposes to amend 37 CFR part 1 as follows:

##### *Section 1.501(d)*

Proposed § 1.501(d) would be revised to clarify that papers submitted "under this section" (*i.e.*, mere citations of prior art and written statements) can be submitted anonymously without any identification of the person making the submission. The language "under this section" would be added to distinguish citations of prior art and written statements submitted under § 1.501, which may still be submitted anonymously, from *ex parte* reexamination requests under § 1.510, which would now require identification of all real parties in interest to the request.

##### *Section 1.510(b)*

Proposed § 1.510(b)(7) would require a third party requester to submit a statement identifying all real parties in interest to the *ex parte* reexamination request (*i.e.*, the requester and any other

real parties in interest). The statement would be required to be submitted electronically according to the parameters established by the Office and published on the website of the Office. To be consistent with 35 U.S.C. 301(e) and 302, proposed 37 CFR 1.510(b)(7) would further permit the statement identifying all real parties in interest to be excluded from the patent and reexamination files and kept confidential upon request. The requirements of proposed § 1.510(b)(7) would apply only to a third party request for reexamination, and would not apply to a reexamination request submitted by a party that identifies itself in the request as the patent owner. Although, § 1.11(d) requires all papers relating to a reexamination proceeding which have been entered of record in the patent or reexamination file to be open to inspection by the general public, the statement under proposed § 1.510(b)(7) would not be entered of record in the patent or reexamination file if a requester asks that it be kept confidential. Accordingly, confidential information submitted under proposed § 1.510(b)(7) would not be made available to the public under § 1.11(d).

Determining whether a party is a real party in interest to the request is a highly fact-dependent question that is determined on a case-by-case basis. *See Applications in Internet Time, LLC v. RPC Corp.*, 897 F.3d 1336 (Fed. Cir. 2018); *see generally Taylor v. Sturgell*, 553 U.S. 880 (2008). For guidance in making this determination under § 1.510(b)(6) and proposed § 1.510(b)(7), parties may consult prevailing Federal Circuit precedent, precedential and informative Board decisions, and Office guidance, including the Office's Consolidated Trial Practice Guide concerning the determination of real parties in interest in PTAB proceedings. *See Trial Practice Guide*, October 2025, section I(D)(1), <https://www.uspto.gov/patents/ptab/trial-practice-guide>.

## V. Rulemaking Considerations

**A. Administrative Procedure Act:** This rulemaking would revise the procedures governing the filing of a request for *ex parte* reexamination with the Office to require a third party request for *ex parte* reexamination to include a statement by the third party requester identifying all real parties in interest to the *ex parte* reexamination request. The proposed changes do not change the substantive criteria of patentability. Therefore, the changes in this rulemaking involve rules of agency practice and procedure and/or interpretive rules and do not require notice-and-comment rulemaking, pursuant to 5 U.S.C. 553(b)(A). *See*

*Perez v. Mortg. Bankers Ass'n*, 575 U.S. 92, 97, 101 (2015) (explaining that interpretive rules “advise the public of the agency’s construction of the statutes and rules which it administers” and do not require notice-and-comment when issued or amended); *Cooper Techs. Co. v. Dudas*, 536 F.3d 1330, 1336–37 (Fed. Cir. 2008) (5 U.S.C. 553, and thus 35 U.S.C. 2(b)(2)(B), do not require notice-and-comment rulemaking for “interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice”); *In re Chestek PLLC*, 92 F.4th 1105, 1110 (Fed. Cir. 2024) (noting that rule changes that “do[ ] not alter the substantive standards by which the USPTO evaluates trademark applications” are procedural in nature and thus “exempted from notice-and-comment rulemaking”); *JEM Broadcasting Co. v. F.C.C.*, 22 F.3d 320, 328 (D.C. Cir. 1994) (“[T]he ‘critical feature’ of the procedural exception [in 5 U.S.C. 553(b)(A)] ‘is that it covers agency actions that do not themselves alter the rights or interests of parties, although [they] may alter the manner in which the parties present themselves or their viewpoints to the agency.’” (quoting *Batterton v. Marshall*, 648 F.2d 694, 707 (D.C. Cir. 1980))). However, the USPTO has chosen to seek public comment before implementing the rule to benefit from the public’s input.

**B. Regulatory Flexibility Act:** For the reasons set forth herein, the Senior Counsel for Regulatory and Legislative Affairs, Office of General Law, of the USPTO has certified to the Chief Counsel for Advocacy of the Small Business Administration that changes in this rule will not have a significant economic impact on a substantial number of small entities. *See* 5 U.S.C. 605(b). This proposed rule would revise 37 CFR 1.510(b) to add a new provision requiring any third party request for *ex parte* reexamination to include a statement by a third party requester identifying all real parties in interest to the *ex parte* reexamination request. Third party requesters can be any person other than the owner of the patent being challenged. In fiscal year 2025, the USPTO received 452 requests for *ex parte* reexamination. In 174 (38%) of those 452 requests, the requesters paid the small entity fee. The USPTO will consider those 174 requesters who paid the small entity fee to be small entities for the purposes of this analysis. *Ex parte* reexamination requests could involve any patent issued in any technology area, thus the proposed new requirement may impact any industry. Although a substantial number of small

entities may be impacted by the new requirement that third party requesters supply the identity of the real parties in interest, the proposed new requirement would result in only a de minimis additional burden on third party requesters over the current certification practice. This proposed rule does not impose any additional fees on impacted entities. Thus, for the foregoing reasons, the changes in this proposed rule will not have a significant economic impact on a substantial number of small entities.

**C. Executive Order 12866 (Regulatory Planning and Review):** This rulemaking has been determined to be significant under section 3(f) Executive Order 12866 (Sept. 30, 1993).

**D. Executive Order 13563 (Improving Regulation and Regulatory Review):** The USPTO has complied with Executive Order 13563 (Jan. 18, 2011). Specifically, and as discussed above, the USPTO has, to the extent feasible and applicable: (1) reasonably determined that the benefits of the rule justify its costs; (2) tailored the rule to impose the least burden on society consistent with obtaining the agency’s regulatory objectives; (3) selected a regulatory approach that maximizes net benefits; (4) specified performance objectives; (5) identified and assessed available alternatives; (6) involved the public in an open exchange of information and perspectives among experts in relevant disciplines, affected stakeholders in the private sector, and the public as a whole, and provided online access to the rulemaking docket; (7) attempted to promote coordination, simplification, and harmonization across government agencies and identified goals designed to promote innovation; (8) considered approaches that reduce burdens while maintaining flexibility and freedom of choice for the public; and (9) ensured the objectivity of scientific and technological information and processes.

**E. Executive Order 14192 (Deregulation):** This regulation is not an Executive Order 14192 regulatory action because it results in *de minimis* costs on respondents.

**F. Executive Order 13132 (Federalism):** This rulemaking pertains strictly to federal agency procedures and does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

**G. Executive Order 13175 (Tribal Consultation):** This rulemaking will not: (1) have substantial direct effects on one or more Indian tribes; (2) impose substantial direct compliance costs on

Indian tribal governments; or (3) preempt tribal law. Therefore, a tribal summary impact statement is not required under Executive Order 13175 (Nov. 6, 2000).

*H. Executive Order 13211 (Energy Effects):* This rulemaking is not a significant energy action under Executive Order 13211 because this rulemaking is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required under Executive Order 13211 (May 18, 2001).

*I. Executive Order 12988 (Civil Justice Reform):* This rulemaking meets applicable standards to minimize litigation, eliminate ambiguity, and reduce burden as set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Feb. 5, 1996).

*J. Executive Order 13045 (Protection of Children):* This rulemaking does not concern an environmental risk to health or safety that may disproportionately affect children under Executive Order 13045 (Apr. 21, 1997).

*K. Executive Order 12630 (Taking of Private Property):* This rulemaking will not effect a taking of private property or otherwise have taking implications under Executive Order 12630 (Mar. 15, 1988).

*L. Congressional Review Act:* Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801, *et seq.*), the USPTO will submit a report containing the final rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the Government Accountability Office. The changes in this rulemaking are not expected to result in an annual effect on the economy of \$100 million or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, this rulemaking is not expected to result in a “major rule” as defined in 5 U.S.C. 804(2).

*M. Unfunded Mandates Reform Act of 1995:* The changes set forth in this rulemaking do not involve a Federal intergovernmental mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, of \$100 million (as adjusted) or more in any one year, or a Federal private sector mandate that will result in the expenditure by the private sector of \$100 million (as adjusted) or more in

any one year, and will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995. *See* 2 U.S.C. 1501 *et seq.*

*N. National Environmental Policy Act:* This rulemaking will not have any effect on the quality of the environment and is thus categorically excluded from review under the National Environmental Policy Act of 1969. *See* 42 U.S.C. 4321 *et seq.*

*O. National Technology Transfer and Advancement Act:* The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) are not applicable because this rulemaking does not contain provisions which involve the use of technical standards.

*P. Paperwork Reduction Act of 1995:* The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA) requires that the USPTO consider the impact of paperwork and other information collection burdens imposed on the public. The rules of practice pertaining to requests for *ex parte* reexamination have been reviewed and approved by the OMB under the PRA under OMB control number 0651–0064 (Patent Reexaminations, Supplemental Examinations, and Post Patent Submissions). This OMB control number will be updated if necessary to reflect this action.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

*Q. E-Government Act Compliance:* The USPTO is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes.

#### List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Biologics, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

For the reasons stated in the preamble, the USPTO proposes to amend 37 CFR part 1 as follows:

#### PART 1—RULES OF PRACTICE IN PATENT CASES

■ 1. The authority citation for part 1 continues to read as follows:

**Authority:** 35 U.S.C. 2(b)(2), unless otherwise noted.

■ 2. Section 1.501 is amended by revising paragraph (d) to read as follows:

#### § 1.501 Citation of prior art and written statements in patent files.

\* \* \* \* \*

(d) *Identity:* If the person making the submission under this section wishes his or her identity to be excluded from the patent file and kept confidential, the submission papers must be submitted anonymously without any identification of the person making the submission.

\* \* \* \* \*

■ 3. Section 1.510 is amended by adding new paragraph (b)(7) to read as follows:

#### § 1.510 Request for *ex parte* reexamination.

\* \* \* \* \*

(b) \* \* \*

(7) A separate statement by the third party requester identifying all real parties in interest to the *ex parte* reexamination request. The statement must be submitted according to the parameters established by the Office. Upon the written request of the third party requester, the statement will be excluded from the patent and reexamination files and kept confidential.

\* \* \* \* \*

**John A. Squires,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2026–14793 Filed 7–21–26; 8:45 am]

BILLING CODE 3510–16–P

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 260716–0172]

RIN 0648–BN89

#### Coastal Migratory Pelagic Resources in the Gulf of America and Atlantic Region; Framework Amendment 14

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes to implement management measures described in Framework Amendment 14 under the Fishery Management Plan (FMP) for the

Coastal Migratory Pelagic (CMP) Resources in the Gulf and Atlantic Region, as prepared by the Gulf and South Atlantic Fishery Management Councils (Councils). If implemented, this proposed rule would modify the annual catch limit (ACL) for the Gulf migratory group of Spanish mackerel (Spanish mackerel) in the Gulf of America (Gulf) based on the results of the most recent stock assessment. Additionally, this proposed rule would modify the current accountability measure (AM) for Gulf Spanish mackerel from an in-season closure AM to a post-season AM. The purpose of these regulatory changes is to ensure the stock ACL and AM are based on the best scientific information available and to achieve optimum yield (OY).

**DATES:** Written comments must be received on or before August 21, 2026.

**ADDRESSES:** A plain language summary of this proposed rule is available at [https://www.regulations.gov/docket/\[NOAA-NMFS-2026-0794\]](https://www.regulations.gov/docket/[NOAA-NMFS-2026-0794]). You may submit comments on this document, identified by [NOAA-NMFS-2026-0794], by either of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit <https://www.regulations.gov> and type [NOAA-NMFS-2026-0794], in the Search box. Click the “Comment” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Kelli O'Donnell, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

Electronic copies of the Framework Amendment 14, which includes an environmental assessment, a Regulatory Flexibility Act (RFA) analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office website at <https://www.fisheries.noaa.gov/action/>

*framework-14-modifications-spanish-mackerel-catch-limits-gulf-america.*

**FOR FURTHER INFORMATION CONTACT:**

Kelli O'Donnell, 727-824-5305, [kelli.odonnell@noaa.gov](mailto:kelli.odonnell@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NMFS, in collaboration with the Councils, manages the Gulf CMP fishery, which includes Spanish mackerel, in Federal waters under the CMP FMP. The CMP FMP was prepared by NMFS and the Councils and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

The Magnuson-Stevens Act requires that NMFS and regional fishery management councils prevent overfishing and continually achieve the OY from federally managed fish stocks. These mandates are intended to ensure that fishery resources are managed for the greatest overall benefit to the Nation, particularly with respect to providing food production and recreational opportunities and protecting marine ecosystems.

This action is proposed under the statutory authority of section 303(a)(15) of the Magnuson-Stevens Act as necessary and appropriate for the conservation and management of the fishery by requiring ACLs and measures to ensure accountability to prevent overfishing the Spanish mackerel stock consistent with National Standard 1. Additionally, using Marine Recreational Information Program (MRIP) Fishing Effort Survey (FES) for setting the Gulf Spanish mackerel stock ACL is consistent with National Standard 2 as it is considered the best scientific information available.

All weights in this proposed rule are in round and eviscerated pounds (lb) combined. The metric conversion for the imperial weight measurements used in this document are 1 lb equals approximately 0.45 kilograms (kg).

**Background**

Gulf Spanish mackerel is managed as a single stock under the CMP FMP, with a single stock ACL applied to the commercial and recreational sectors combined. NMFS manages the Spanish mackerel stock ACL by monitoring the commercial and recreational landings and applying an AM as warranted to ensure sustainable harvest of the stock. In 2012, NMFS implemented Amendment 18 to the CMP FMP through a final rule that established the current AM provision (76 FR 82058, December 29, 2011). The current in-season AM requires NMFS to prohibit

harvest for the commercial and recreational sectors for the remainder of the fishing year if NMFS estimates that Spanish mackerel landings have reached or are projected to reach the stock ACL before the end of the current fishing year. The fishing year for Gulf Spanish mackerel is April through March (50 CFR 622.7(b)(2)). In 2014, NMFS implemented Framework Amendment 1 to the CMP FMP through a final rule that among other measures set the current Gulf Spanish mackerel overfishing limit (OFL), acceptable biological catch (ABC), and stock ACL (79 FR 69058, November 20, 2014). The current Spanish mackerel stock ACL is 11.3 million lb (5.13 million kg). Since the current stock ACL was set, the commercial and recreational sectors have never landed in excess of 38 percent of the stock ACL, and therefore the in-season AM has not been triggered as a result of the stock ACL being reached.

The Southeast Data, Assessment, and Review (SEDAR) 81 for Gulf Spanish mackerel was completed in 2023. SEDAR 81 updated the data from the previous model (SEDAR 28, 2013) and calibrated recreational landings to MRIP-FES, which replaced the MRIP Coastal Household Telephone Survey (CHTS) in 2018. The assessment determined the stock was not overfished or undergoing overfishing. The Gulf Fishery Management Council's (Gulf Council) Scientific and Statistical Committees (SSC) reviewed the results of SEDAR 81 and accepted it as representing the best available scientific information on the status of Spanish mackerel and appropriate for management decisions. The Gulf Council received and accepted the SSC's recommendations for the Spanish mackerel OFL and ABC.

For Gulf Spanish mackerel, this proposed rule and Framework Amendment 14 would modify the OFL, ABC, and stock ACL as well as modify the current in-season closure AM to be a post-season AM to use the best scientific information available to set catch limits and to provide more continuous fishing opportunities across seasons.

**Management Measures Contained in This Proposed Rule**

For Gulf Spanish mackerel, this proposed rule would revise the stock ACL and the AM.

**Catch Limits**

The Gulf Council received and accepted the SSC's recommendations for the Spanish mackerel OFL and ABC based on the results of SEDAR 81. The

OFL would be reduced from the MRIP-FES equivalent of 15.20 million lb (6.895 million kg) to 12.074 million lb (5.477 million kg) and the ABC would be reduced from the MRIP-FES equivalent of 14.900 million lb (6.759 million kg) to 9.630 million lb (4.368 million kg). In the Gulf, the Spanish mackerel stock ABC equals the stock ACL. Therefore, this proposed rule would decrease the Spanish mackerel stock ACL from 11.3 million lb (5.13 million kg) to 9.630 million lb (4.368 million kg).

The revised stock ACL could have beneficial biological effects to the Spanish mackerel stock as the proposed catch limit is reduced relative to the current ACL.

#### *Accountability Measure*

With the proposed catch limits resulting in a decrease in allowable harvest, the Council wanted to ensure that the availability of landings data would allow for the effective implementation of an AM to constrain catch. The uncertainty associated with implementing the AM is higher with the current in-season AM compared to the proposed AM. The revised AM would be that if the Spanish mackerel stock ACL is exceeded in a fishing year, then in the following fishing year, NMFS would prohibit harvest for the commercial and recreational sectors when landings reach or are projected to reach the stock ACL. Revising the AM to be a post-season AM increases the precision of landings data used to determine if a closure is needed. This change may mitigate some social and economic effects related to the in-season AM-related closures and access to the fishery. As described in Framework Amendment 14, the proposed stock ACL would have been exceeded in only 1 fishing year in the last decade (2019/2020). Changing from an in-season to a post-season AM allows NMFS to rely on more precise landings data, reducing the likelihood of an unneeded AM closure occurring based on landings projections. Avoiding unnecessary closures could allow for beneficial social and economic effects.

#### **Classification**

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with Framework Amendment 14, the CMP FMP, other provisions of the Magnuson-Stevens Act, and other applicable law subject to further consideration after public comment.

This proposed rule has been determined to be not significant for

purposes of Executive Order 12866.

This proposed rule is not an Executive Order 14192 regulatory action because this rule is not significant under Executive Order 12866.

The Senior Lead Counsel for Regulation certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this certification follows. A copy of the full analysis is available from NMFS (see **ADDRESSES**). All monetary estimates in the following analysis are in 2022 dollars.

A description of this proposed rule, why it is being considered, and the objectives of this proposed rule are contained in the **SUMMARY** and **SUPPLEMENTARY INFORMATION** sections of this proposed rule.

The Magnuson-Stevens Act provides the statutory basis for this proposed rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced by this proposed rule. This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

Framework Amendment 14 and this proposed rule, if implemented, would reduce the Spanish mackerel OFL and ABC for 2025/2026–2027/2028 and subsequent fishing years. The catch limits would be set using MRIP-FES landings data and the stock ACL would be set equal to the new ABC. Under this proposed rule, the stock ACL would be reduced from the current MRIP-FES equivalent value of 14.900 million lb (6.759 million kg) to 9.630 million lb (4.368 million kg). This proposed rule would also modify the Gulf Spanish mackerel AM such that if the stock ACL is exceeded in a fishing year, then in the following fishing year, NMFS would close the fishing season for Gulf Spanish mackerel for the commercial and recreational fishing sectors if the stock ACL is reached or projected to be reached. Currently the AM for Spanish mackerel requires NMFS to close the fishing season for the commercial and recreational fishing sectors when the stock ACL is reached or projected to be reached. The reduction in the stock ACL and modification of the AM would apply to all commercial fishing businesses, for-hire fishing businesses (charter vessels and headboats), and recreational anglers that fish for Spanish mackerel in Federal waters of the Gulf.

The RFA requires NMFS to describe the impact of the proposed rule on small

entities (5 U.S.C. 603). Small entities include small businesses, small organizations, and small governmental jurisdictions (5 U.S.C. 601(3)–(6)). Recreational anglers are not businesses, organizations, or governmental jurisdictions, so they are outside the scope of this analysis.

From 2018 through 2022, the number of federally-permitted commercial vessels with homeports in the Gulf and with a valid Spanish mackerel permit averaged 954 annually, with 130 vessels (14 percent) reporting Spanish mackerel landings. Total ex-vessel revenue from landings of Spanish mackerel averaged \$104,655 annually, representing 1.3 percent of total ex-vessel revenue from all species by permitted vessels reporting Spanish mackerel landings. The average annual revenue for all species landed was \$8.5 million; average total revenue per vessel averaged \$65,335. Annual net revenue from operations of Spanish mackerel-permitted vessels that landed Spanish mackerel and other species from 2014–2016 was 22.8 percent of their average annual gross revenue during this period. Applying this percentage to the average annual total revenue per Spanish mackerel-permitted vessel that reported Spanish mackerel landings would result in an estimated per vessel average annual net revenue from Spanish mackerel operations of \$14,896. The maximum annual revenue from all species reported by a single Spanish mackerel-permitted vessel that harvested Gulf Spanish mackerel from 2018 through 2022 was \$641,585.

Any for-hire fishing vessel that takes anglers into the Gulf Federal waters to harvest CMP species must have a valid limited-access (Federal) CMP charter vessel/headboat permit issued to that vessel and the permit must be on board. From 2016–2020, there were an average of 1,267 vessels with a valid or renewable Gulf CMP charter vessel/headboat permit. Although the CMP charter vessel/headboat permit application collects information on the primary method of operation, the resultant permit itself does not identify the permitted vessel as either a charter vessel or a headboat. Operation as either a charter vessel or a headboat is not restricted by permitting regulations and vessels may operate in both capacities. However, only selected headboats are required to submit harvest and effort information to the NMFS Southeast Region Headboat Survey (SRHS). Participation in the SRHS is based on determination by the Southeast Fisheries Science Center that the vessel primarily operates as a headboat. As of November 1, 2023, 67 Gulf headboats

were registered in the SRHS. As a result, of the 1,267 vessels with Federal CMP charter vessel/headboat permits, up to 67 may primarily operate as headboats and the remainder as charter vessels. The most recent estimates of average annual gross revenues for Gulf for-hire vessels are \$105,029 for charters in 2009 and \$427,515 for headboats in 2017.

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (North American Industry Classification System [NAICS] code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of \$11 million for all its affiliated operations worldwide. All of the commercial fishing businesses directly regulated by this proposed rule are believed to be small entities based on the NMFS size standard.

A business primarily involved in the operation of a for-hire fishing vessel is included within the broader scenic and sightseeing transportation, water industry (NAICS code 487210). For-hire fishing operations (NAICS 487210) make up just part of the broader industry. A business primarily involved in scenic and sightseeing transportation, water industry is classified as a small business by the Small Business Administration (SBA) if it is independently owned and operated, is not dominant in its field of operation (including its affiliates) and its combined annual receipts are no more than \$14 million for all of its affiliated operations worldwide. All of the for-hire fishing businesses directly regulated by this proposed rule are believed to be small entities based on the SBA size standard. No other small entities that would be directly affected by this proposed rule have been identified.

As stated previously, this proposed rule would reduce the Spanish mackerel stock ACL from an MRIP-FES equivalent value of 14.900 million lb (6.759 million kg) to 9.630 million lb (4.368 million kg). Although the stock ACL would be reduced by 35 percent relative to the status quo, the Spanish mackerel fishing season would not be expected to close if annual landings are less than or equal to their 3-year (2019/2020 to 2021/2022) or 5-year (2017/2018 to 2021/2022) averages, which are likely scenarios under typical circumstances observed to date. Therefore, there are no expected economic effects associated with a reduction in harvest for commercial fishing businesses or a reduction in trips for for-hire businesses. Additionally, this proposed rule would modify the Gulf Spanish mackerel AM such that if the stock ACL is exceeded in a fishing year, then in the following fishing year, the RA would close the fishing season for Gulf Spanish mackerel for the commercial and recreational fishing sectors if the stock ACL is reached or projected to be reached. Currently the AM for Spanish mackerel requires the RA to close the fishing season for the commercial and recreational fishing sectors when the stock ACL is reached or projected to be reached. By shifting from an in-season to a post-season AM, this proposed rule would reduce the likelihood of an in-season closure and corresponding negative economic effects on commercial and for-hire fishing businesses from anomalous single-year overages.

Based on the above analysis, this proposed rule would not be expected to have a significant economic impact on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required, and none has been prepared.

#### List of Subjects in 50 CFR Part 622

Commercial, Fisheries, Fishing, Gulf, Recreational, Spanish mackerel.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: July 16, 2026.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for  
Regulatory Programs, National Marine  
Fisheries Service.*

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 622 as follows:

#### PART 622—FISHERIES OF THE CARIBBEAN, GULF OF AMERICA, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

**Authority:** 16 U.S.C. 1801 *et seq.*

■ 2. In § 622.388, revise paragraph (c) to read as follows:

#### § 622.388 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

\* \* \* \* \*

(c) *Gulf migratory group Spanish mackerel.* (1) If the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock ACL, as specified in paragraph (c)(3) of this section, then in the following fishing year if the stock ACL is reached or projected to be reached, the AA will file a notification with the Office of the Federal Register to close the commercial and recreational sectors for the remainder of the fishing year. On and after the effective date of such a notification, all sale and purchase of Gulf migratory group Spanish mackerel is prohibited and the harvest and possession limit of this species in or from the Gulf EEZ is zero.

(2) For purposes of tracking the ACL, recreational landings will be evaluated based on the commercial fishing year, April through March.

(3) The stock ACL for Gulf migratory group Spanish mackerel is 9.630 million lb (4.368 million kg).

\* \* \* \* \*

[FR Doc. 2026-14798 Filed 7-21-26; 8:45 am]

**BILLING CODE 3510-22-P**

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Neutron-Based Materials Characterization (nMat) Consortium

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice of research consortium.

**SUMMARY:** The National Institute of Standards and Technology (NIST), an agency of the United States Department of Commerce, announces the establishment of the Neutron-Based Materials Characterization (nMat) Consortium (Consortium). The Consortium will bring together industry, academia, and other stakeholders to identify and address measurement and standards needs related to neutron-based characterization methods for manufacturing materials.

The Consortium will support pre-competitive research to advance the development and application of neutron-based measurement techniques, expand industrial access to advanced neutron tools, and accelerate the translation of measurement science into manufacturing impact. Consortium activities will leverage the capabilities of the NIST Center for Neutron Research (NCNR) and the Materials Science and Engineering Division (MSED).

Participation in the Consortium will require the execution of a Cooperative Research and Development Agreement (CRADA) with NIST. At NIST's discretion, entities that are not permitted to enter into CRADAs pursuant to law or other governmental constraint may be allowed to participate in the Consortium pursuant to a separate non-CRADA agreement.

**DATES:** The Consortium is currently accepting letters of interest for participation, and its activities will commence on April 1, 2026. NIST will

accept letters of interest on an ongoing basis.

**ADDRESSES:** Letters of interest or requests for additional information about the Consortium may be submitted to Dr. Jonathan E. Seppala, Consortium Manager, via email to [nmat@nist.gov](mailto:nmat@nist.gov), or by hardcopy to Materials Science and Engineering Division, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8542, Gaithersburg, MD 20899.

Additional information about the Consortium is available at <https://www.nist.gov/nmat>. Organizations whose letters of interest are accepted in accordance with the process set forth in the **SUPPLEMENTARY INFORMATION** section of this notice will be asked to sign a consortium CRADA or similar agreement with NIST. A consortium template will be made available to qualifying applicants.

**FOR FURTHER INFORMATION CONTACT:** J'aime Maynard, Consortia Agreements Officer, Technology Partnerships Office, National Institute of Standards and Technology, by mail to 100 Bureau Drive, Mail Stop 2200, Gaithersburg, MD 20899, or by email to [agreements@nist.gov](mailto:agreements@nist.gov).

**SUPPLEMENTARY INFORMATION:** For more than 50 years, neutron-based measurement methods have provided unique insights into material structure and properties that cannot be obtained through other techniques. Neutrons are highly sensitive to light elements, including hydrogen; they can penetrate deeply into many materials; and they possess a magnetic moment, enabling characterization of magnetic structures. These properties make neutron-based techniques powerful tools for understanding materials across multiple length scales and under realistic processing and operating conditions.

Despite these capabilities, industrial access to neutron-based measurement techniques remains limited due to barriers including specialized expertise requirements, limited facility familiarity, and challenges in translating neutron data into actionable manufacturing insights. The nMat Consortium is intended to address these challenges by establishing a collaborative framework through which participants (Consortium Members) may leverage NIST's neutron facilities and materials expertise to advance

measurement science relevant to manufacturing.

The Consortium will focus on pre-competitive research and the development of measurement methods and best practices. Initial technical areas of interest may include, but are not limited to:

- *Structural Characterization:* Application of neutron scattering techniques to analyze material structure across multiple length scales.
- *Interface Analysis:* Investigation of surfaces, interfaces, and thin films in manufactured components.
- *Stress and Defect Analysis:* Measurement of internal stresses and identification of defects in materials.
- *Process Monitoring:* Development of methods to study materials during processing or under operating conditions.
- *Magnetic Analysis:* Characterization of magnetic materials and interfaces relevant to data storage, energy conversion, and emerging technologies.

Consortium activities may utilize capabilities including Small-Angle Neutron Scattering (SANS), neutron imaging, neutron diffraction, and neutron reflectometry, complemented by materials characterization expertise within MSED.

Consortium Members may, subject to NIST approval and appropriate amendment to their CRADA, propose additional targeted research activities that complement and enhance the core Consortium research plan.

#### Participation Process

Eligibility to participate in the Consortium will be determined by NIST based upon the information provided by prospective participants in response to this notice. Prospective participants should submit a letter of interest to the Consortium Manager via email or hardcopy (for reference, see **ADDRESSES** section above). Letters of interest must not include business proprietary information. NIST will not treat submissions in response to this notice as proprietary information.

Letters of interest should include:

1. A description of the organization's experience or expertise in materials manufacturing and characterization, particularly as related to neutron-based measurement techniques; and
2. Identification of anticipated project team members and a legal point of contact for CRADA execution.

NIST will evaluate submissions to determine eligibility to participate in the Consortium. Participation will require the execution of a CRADA or similar agreement. Participation may include financial and/or in-kind contributions consistent with the Consortium research plan. All participants legally eligible to enter into a CRADA will be bound by substantially similar terms and conditions.

NIST does not guarantee participation in the Consortium to any organization submitting a letter of interest.

*Authority:* 15 U.S.C. 3710a; 15 U.S.C. 272(b) and (c).

**Alicia Chambers,**

*NIST Executive Secretariat.*

[FR Doc. 2026-14801 Filed 7-21-26; 8:45 am]

**BILLING CODE 3510-13-P**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### National Construction Safety Team Advisory Committee Meeting

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice of open meeting.

**SUMMARY:** The National Construction Safety Team (NCST) Advisory Committee (Committee) will hold an open virtual meeting via web conference on Wednesday, September 23, 2026, from 1:00 p.m. to 5:00 p.m., and Thursday, September 24, 2026, from 9:00 a.m. to 5:00 p.m. Eastern Time. The primary purposes of this meeting are to update the Committee on the progress of the NCST investigation focused on the impacts of Hurricane Maria in Puerto Rico, progress of the NCST investigation focused on the Champlain Towers South partial building collapse that occurred in Surfside, Florida, and provide responses to the Committee's 2025 recommendations. The final agenda will be posted on the NIST website at <https://www.nist.gov/topics/disaster-failure-studies/national-construction-safety-team-ncst/advisory-committee-meetings>.

**DATES:** The NCST Advisory Committee will meet on Wednesday, September 23, 2026, from 1:00 p.m. to 5:00 p.m., and on Thursday, September 24, 2026, from 9:00 a.m. to 5:00 p.m. Eastern Time. The meeting will be open to the public.

**ADDRESSES:** The meeting will be held via web conference. For instructions on how to attend and/or participate in the meeting, please see the **SUPPLEMENTARY INFORMATION** section of this notice.

#### FOR FURTHER INFORMATION CONTACT:

Tanya Brown-Giammanco, Director of the Disaster and Failure Studies Program, and Acting Chief of the Disaster Impact Reduction Office, Engineering Laboratory, NIST. Tanya Brown-Giammanco's email address is [tanya.brown-giammanco@nist.gov](mailto:tanya.brown-giammanco@nist.gov) and her phone number is (301) 975-2822.

**SUPPLEMENTARY INFORMATION:** The Committee was established pursuant to Section 11 of the NCST Act (Pub. L. 107-231, codified at 15 U.S.C. 7301 *et seq.*). The Committee is currently composed of five members, appointed by the Director of NIST, who were selected on the basis of established records of distinguished service in their professional community and their knowledge of issues affecting the National Construction Safety Teams. The Committee advises the Director of NIST on carrying out the NCST Act; reviews the procedures developed for conducting investigations; and reviews the reports issued documenting investigations. Background information on the NCST Act and information on the NCST Advisory Committee is available at <https://www.nist.gov/topics/disaster-failure-studies/national-construction-safety-team-ncst/advisory-committee>.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. 1001 *et seq.*, notice is hereby given that the NCST Advisory Committee will meet on Wednesday, September 23, 2026 from 1:00 p.m. to 5:00 p.m., and on Thursday September 24, 2026, from 9:00 a.m. to 5:00 p.m. Eastern Time. The meeting will be open to the public and will be held via web conference. Interested members of the public will be able to participate in the meeting from remote locations. The primary purposes of this meeting are to update the Committee on the progress of the NCST investigation focused on the impacts of Hurricane Maria in Puerto Rico, progress of the NCST investigation focused on the Champlain Towers South partial building collapse that occurred in Surfside, Florida, and provide responses to the Committee's 2025 recommendations. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST website at <https://www.nist.gov/topics/disaster-failure-studies/national-construction-safety-team-ncst/advisory-committee-meetings>.

This meeting will be recorded. Individuals and representatives of organizations who would like to offer comments and suggestions related to items on the Committee's agenda for this meeting are invited to request a place on the agenda. Approximately

twenty minutes will be reserved for public comments and speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received. Questions from the public will not be considered during this period. All those wishing to speak must do so by registering by 5:00 p.m. Eastern Time on Wednesday, September 16, 2026, at the link provided below, and selecting "yes" to the public comment question in the registration. Any member of the public is also permitted to file a written statement with the advisory committee; speakers who wish to expand upon their oral statements, those who wish to speak but cannot be accommodated on the agenda, and those who are unable to attend are invited to submit written statements electronically by email to [disaster@nist.gov](mailto:disaster@nist.gov).

Anyone wishing to attend the National Construction Safety Team Advisory Committee meeting via web conference must register by 5:00 p.m. Eastern Time on Wednesday, September 16, 2026, at: <https://www.nist.gov/news-events/events/2026/09/national-construction-safety-team-advisory-committee-meeting-fall-2026>. Once successfully registered, attendees will receive a link to join the meetings by September 22, 2026. Individuals requiring special accommodations to attend virtually should contact [Judy.Bowie@nist.gov](mailto:Judy.Bowie@nist.gov) no later than 5:00 p.m. on Wednesday, September 16, 2026 so that NIST can make the appropriate arrangements.

**Alicia Chambers,**

*NIST Executive Secretariat.*

[FR Doc. 2026-14804 Filed 7-21-26; 8:45 am]

**BILLING CODE 3510-13-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Highly Migratory Species Tournament Registration and Reporting

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to

comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on December 19, 2025, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

**Agency:** National Oceanic & Atmospheric Administration (NOAA), Commerce.

**Title:** Highly Migratory Species Tournament Registration and Reporting.  
**OMB Control Number:** 0648-0323.

**Form Number(s):** None.

**Type of Request:** Regular submission (revision and extension of a current information collection).

**Number of Respondents:** 300.

**Average Hours per Response:**  
Tournament registration, 2 minutes;  
tournament summary report, 20 minutes; operator survey, 30 minutes.

**Total Annual Burden Hours:** 223.

**Needs and Uses:** This request is for the revision and extension of a currently approved information collection. Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), NOAA's National Marine Fisheries Service (NMFS) is responsible for management of the nation's marine fisheries. Existing regulations require operators of tournaments involving Atlantic highly migratory species (HMS; Atlantic swordfish, sharks, billfish, and tunas) to register four weeks in advance of the tournament. Operators must provide contact information and the tournament's date(s), location(s), and target species. If selected by NMFS, operators are required to submit an HMS tournament summary report within seven days after tournament fishing has ended. Most of the catch data in the summary report is routinely collected in the course of regular tournament operations. NMFS uses the data to estimate the total annual catch of HMS and the impact of tournament operations in relation to other types of fishing activities. In addition, HMS tournament registration provides a method for tournament operators to request educational and regulatory outreach materials from NMFS.

NMFS is implementing several modifications to the tournament registration and reporting forms, including: (1) updating the target species list in the tournament registration form, (2) reporting vessel effort by state residency status (in-state vs. out-of-state participants), (3) reporting of bluefin tuna catch by size class, (4) clarifying the species for

which tournament operators are required to report individual lengths and weights in their post-tournament catch reports, and 5) adding questions regarding the depredation of tournament catch by sharks, other fish, or marine animals. A tournament operator survey is being added to this collection to ask tournament operators to characterize and quantify their operating costs and income sources in addition to describing their tournament participants.

**Affected Public:** Business or other for-profit organizations; Not-for-profit institutions.

**Frequency:** Annually; on occasion.

**Respondent's Obligation:** Mandatory.

**Legal Authority:** Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 *et seq.*)

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648-0323.

**Sheleen Dumas,**

*Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*

[FR Doc. 2026-14708 Filed 7-21-26; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 260716-0171]

RTID 0648-XR139

#### Listing Endangered or Threatened Species; 90-Day Finding on a Petition to Revise the Critical Habitat Designation for the North Atlantic Right Whale

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; 90-day finding.

**SUMMARY:** We, NMFS, announce our 90-day finding on a petition to revise the critical habitat designation for the endangered North Atlantic right whale (*Eubalaena glacialis*) under the Endangered Species Act (ESA). In January 2016, we issued a final rule designating approximately 29,763 square nautical miles (nm<sup>2</sup>) (102,084 square kilometers (km<sup>2</sup>)) of critical habitat for North Atlantic right whales in the Gulf of Maine and Georges Bank region and off the Southeast U.S. Coast. The petition requests that we revise this critical habitat designation to include a migratory habitat. We find that the petition does not present substantial scientific information indicating that the petitioned action may be warranted.

**DATES:** This finding was made on July 22, 2026.

**ADDRESSES:** Copies of the petition and related materials are available from the NMFS website at <https://www.fisheries.noaa.gov/national/endangered-species-conservation/negative-90-day-findings>.

**FOR FURTHER INFORMATION CONTACT:** Jean Higgins, NMFS Greater Atlantic Regional Fisheries Office, Protected Resources Division, (978) 281-9345, [jean.higgins@noaa.gov](mailto:jean.higgins@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 31, 2025, we received a petition from Save Long Beach Island, Inc., pursuant to the ESA and the Administrative Procedure Act requesting revision to the critical habitat designation for the North Atlantic right whale. This response reviews the petitioner's request to revise the designated critical habitat pursuant to section 4(b)(3)(D)(i) of the ESA and 50 CFR 424.14 to determine whether the petition presents substantial scientific information indicating that a revision of the designated critical habitat may be warranted.

In 1970, right whales, *Eubalaena spp.*, were listed as endangered (35 FR 18319, December 2, 1970). At that time, we considered the northern right whale species (*Eubalaena glacialis*) to consist of two populations: one occurring in the North Atlantic Ocean and the other in the North Pacific Ocean. In 1994, we designated critical habitat for the northern right whale population in the North Atlantic Ocean (59 FR 28805, June 3, 1994). This critical habitat designation included portions of Cape Cod Bay and Stellwagen Bank, the Great South Channel (each off the coast of Massachusetts), and waters adjacent to the coasts of Georgia and the east coast of Florida. These areas were determined

to provide critical feeding, nursery, and calving habitat for the North Atlantic population of northern right whales. This critical habitat was revised in 2006 to include two foraging areas in the North Pacific Ocean—one in the Bering Sea and one in the Gulf of Alaska (71 FR 38277, July 6, 2006).

In 2006, we published a comprehensive right whale status review, which concluded that genetic data provided unequivocal support to distinguish three right whale lineages as separate phylogenetic species (Rosenbaum *et al.*, 2000): (1) the North Atlantic right whale (*Eubalaena glacialis*), ranging in the North Atlantic Ocean; (2) the North Pacific right whale (*Eubalaena japonica*), ranging in the North Pacific Ocean; and (3) the southern right whale (*Eubalaena australis*), historically ranging throughout the southern hemisphere's oceans. Based on these findings, we published proposed and final determinations listing right whales in the North Atlantic, North Pacific, and southern hemisphere as separate endangered species under the ESA (71 FR 77704, December 27, 2006; 73 FR 12024, March 6, 2008).

On October 1, 2009, we received a petition to revise the 1994 critical habitat designation for right whales in the North Atlantic (CBD *et al.*, 2009). We found the revision was warranted (75 FR 61690, October 6, 2010) and, after thorough review of the best available information, proposed revisions to the designation (80 FR 9314, February 20, 2015). We published a final rule revising North Atlantic right whale critical habitat on January 27, 2016 (81 FR 4838), designating approximately 29,763 nm<sup>2</sup> (102,084 km<sup>2</sup>) in the Gulf of Maine and Georges Bank region and off the Southeast U.S. Coast.

North Atlantic right whale critical habitat consists of two specific areas on which physical or biological features essential to the conservation of the species are found and for which special management consideration or protection may be required. The first specific area, Unit 1, is a foraging habitat, while the second specific area, Unit 2, is a calving habitat.

The boundary of the critical habitat for Unit 1 is delineated generally by a line connecting the geographic coordinates and landmarks as follows: from the southern tip of Monomoy Island (Cape Cod) (41°38.39' N, 69°57.32' W) extending southeasterly to 40°50' N, 69°12' W (the Great South Channel), then east to 40°50' N, 68°50' W. From this point, the boundary extends northeasterly direction to 42°00'

N, 67°55' W and then in an easterly direction to 42°00' N, 67°30' W. From this point, the boundary extends northeast along the northern edge of Georges Bank to the intersection of the U.S.-Canada maritime boundary at 42°10' N, 67°09.38' W. The boundary then follows the U.S.-Canada maritime boundary north to the intersection of 44°49.727' N, 66°57.952' W. From this point, moving southwest along the coast of Maine, the specific area is located seaward of the Maine exemption line developed as part of the Atlantic Large Whale Take Reduction Plan to the point (43°02.55' N, 70°43.33' W) on the coast of New Hampshire south of Portsmouth, NH. The boundary of the area then follows the coastline southward along the coasts of New Hampshire and Massachusetts along Cape Cod to Provincetown southward along the eastern edge of Cape Cod to the southern tip of Monomoy Island. The specific area includes the large embayments of Cape Cod Bay and Massachusetts Bay but does not include inshore areas, bays, harbors, and inlets. In addition, the specific area does not include waters landward of the Convention on the International Regulations for Preventing Collisions at Sea (72 COLREGS) lines (33 CFR part 80).

Unit 2 consists of all marine waters from Cape Fear, North Carolina, southward to approximately 27 nm below Cape Canaveral, Florida, within the area bounded on the west by the shoreline and the 72 COLREGS lines, and on the east by rhumb lines connecting specific points described in the 2016 final rule (81 FR 4838, January 27, 2016). This area comprises state and federal waters offshore of Brunswick County, North Carolina; Horry, Georgetown, Charleston, Colleton, Beaufort, and Jasper Counties, South Carolina; Chatham, Liberty, McIntosh, Glynn, and Camden Counties, Georgia; and Nassau, Duval, St. Johns, Flagler, Volusia, and Brevard Counties, Florida.

Physical and biological features that are part of the current designation and were previously identified during the 2016 Final Rule (81 FR 4838, January 27, 2016) include features that support foraging or calving functions. For the foraging habitat, a combination of the following biological and physical oceanographic features were identified: (1) the physical oceanographic conditions and structures of the Gulf of Maine and Georges Bank region that combine to distribute and aggregate *Calanus finmarchicus* for right whale foraging, namely prevailing currents and circulation patterns, bathymetric features (basins, banks, and channels),

oceanic fronts, density gradients, and temperature regimes; (2) low flow velocities in Jordan, Wilkinson, and Georges Basins that allow diapausing *C. finmarchicus* to aggregate passively below the convective layer so that the copepods are retained in the basins; (3) late stage *C. finmarchicus* in dense aggregations in the Gulf of Maine and Georges Bank region; and (4) diapausing *C. finmarchicus* in aggregations in the Gulf of Maine and Georges Bank region. Facilitating successful feeding by protecting these physical and biological features that characterize feeding habitat is a key conservation objective that is supported by designation of critical habitat for the species. For the second specific area, the calving habitat, the physical and biological features identified consisted of: (1) calm sea surface conditions of Force 4 or less on the Beaufort Wind Scale; (2) sea surface temperatures from a minimum of 7 degrees Celsius, and never more than 17 degrees Celsius; and (3) water depths of 6 to 28 meters (m), where these features simultaneously co-occur over contiguous areas of at least 231 nm<sup>2</sup> (792 km<sup>2</sup>) of ocean waters during the months of November through April. When these features are available, they are selected by right whale cows and calves in dynamic combinations that are suitable for calving, nursing, and rearing, and which vary, within the ranges specified, depending on factors such as weather and age of the calves.

As part of the 2016 revision to the North Atlantic right whale critical habitat, we considered the best available scientific data to support the identification of physical or biological features and identification of migratory critical habitat between the calving and foraging areas but ultimately concluded that designation of migratory habitat was not possible at that time (80 FR 9314, February 20, 2015; 81 FR 4838, January 27, 2016). Specifically, we explored the possibility of using known occurrences of North Atlantic right whales in the mid-Atlantic to identify the specific areas used for migration and essential physical and biological features in those areas (NMFS 2015). We reviewed whale sighting data used to develop a North Atlantic right whale vessel speed rule (73 FR 60173, October 10, 2008), as well as several other published research studies that considered whether proximity to shore or shallow water depth may be features of migratory habitat, but found that sighting information and survey effort were positively biased nearshore, artificially favoring nearshore and shallow depths (Knowlton *et al.*, 2002;

Schick *et al.*, 2009; Firestone *et al.*, 2008; Garrison 2007). Specifically, survey efforts were disproportionately focused in the nearshore area (within 30 nm (55.5 km) of shore) for logistical reasons and consisted of opportunistic sightings. Meanwhile, limited satellite tagging data available at the time indicated that tagged whales can travel parallel and close to shore in the mid-Atlantic (Schick *et al.* 2009) or make broader, offshore movements (Mate *et al.* 1997). As we noted in response to comments on the proposed designation, in addition to depth and distance from shore, we also considered whether slope, temperature, or the features found in the calving area might help define migratory habitat (81 FR 4845, January 27, 2016). Despite further consideration, we stated that we were unable to find sufficient scientific information to identify any specific physical or biological features that facilitated migration or that would enable the designation of a migratory habitat as critical habitat (81 FR 4838, January 27, 2016). We concluded that while the presence of North Atlantic right whales in certain areas was confirmed, there was no basis for defining essential habitat characteristics that facilitate migration (81 FR 4838, January 27, 2016).

Pursuant to section 4(c)(2) of the ESA, we completed 5-year reviews of the species in 2017 and 2022. In the most recent review, we described new information that had become available since the 2017 review, including data that furthered our understanding of North Atlantic right whale distribution and behavior in the mid-Atlantic (NMFS 2022). In that review, we noted that passive acoustic monitoring suggested a shift to a year-round consistent presence of North Atlantic right whales in the mid-Atlantic post-2010, including year-round detections in the New York Bight with the highest presence between late February and mid-May in the shelf and nearshore zones (Davis *et al.*, 2017; Estabrook *et al.*, 2019; Muirhead *et al.*, 2018; Zoidis *et al.*, 2021). Studies also show that in recent years, North Atlantic right whales have been present in waters south of Martha's Vineyard year-round (O'Brien *et al.*, 2022; Quintana-Rizzo *et al.*, 2021), and there is some evidence that North Atlantic right whales forage, socialize, and migrate throughout areas of the mid-Atlantic (Leiter *et al.*, 2017; Quintana-Rizzo *et al.*, 2021; Rickard *et al.*, 2022; Zoidis *et al.*, 2021). Spatial density modeling by Roberts *et al.* (2016, 2024) predicts North Atlantic right whale habitat use across large swaths of the

mid-Atlantic continental shelf north of Cape Hatteras, NC, especially during the cooler months of the year.

We continue to gain knowledge about North Atlantic right whale abundance, distribution, and behavior in the mid-Atlantic to better understand regional threats to the species, including sub-lethal impacts. However, long-term regional datasets are not yet widely available, and opportunistic data regarding species abundance, distribution, and behavior do not provide the high-capture probability necessary to reduce the likelihood of bias. Spatial density models can address some of these data shortcomings, but as stated above, the best available habitat model (Roberts *et al.* 2024) shows widespread habitat use throughout much of the mid-Atlantic region, not discrete migratory pathways. To guide our species monitoring and threat mitigation efforts, we have released several documents that harmonize the information needs expressed in the North Atlantic Right Whale Recovery Plan and 5-year reviews, including the Species in the Spotlight Action Plan (2021–2025), North Atlantic Right Whale Monitoring and Surveillance Report, North Atlantic Right Whale Road to Recovery, and the NMFS and Bureau of Ocean Energy Management (BOEM) North Atlantic Right Whales and Offshore Wind Development Strategy (NMFS 2021; NMFS 2025; NMFS & BOEM 2023; Oleson *et al.*, 2020), which include goals to increase information from the mid-Atlantic. In the North Atlantic Right Whale Monitoring and Surveillance Report, which reported on the meeting of an expert working group on monitoring protocols, objectives of the workshop included determining an approach to identify distribution, occurrence, and habitat use in the mid-Atlantic and the migratory habitat and associated physical and biological features in the mid-Atlantic (Oleson *et al.*, 2020). The working group recommended systematic, long-term, continuous monitoring throughout the migratory area to better inform distribution models and further study. Specifically, the report notes that systematic monitoring would reduce the number of assumptions being made about where the North Atlantic right whales are and let data inform the analyses of North Atlantic right whale distribution and its change through time. As noted above in reference to the mid-Atlantic, detection data from further across the species' range also points to ongoing distribution shifts due to shifting prey availability and distribution (Ganley *et al.*, 2022;

Meyer-Guthbrod *et al.*, 2021; Pendleton *et al.*, 2022; Record *et al.*, 2019; Sorochan *et al.*, 2019), and prey availability and distribution shifts may also lead to behavioral changes for the whales, including foraging further offshore and in deeper waters (Krumhansl *et al.*, 2018; Sorochan *et al.*, 2021). While we know that North Atlantic right whales are present in the mid-Atlantic and may use the region for various purposes, without dedicated systematic detection effort in the mid-Atlantic, it remains difficult to discern trends in regional species abundance, distribution, and behavior and understand how recent range wide distribution shifts may continue to change. However, as directed efforts to monitor this region progress, we expect to collect more data about regional habitat use patterns.

### ESA Statutory, Regulatory, and Policy Provisions and Evaluation Framework

The Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*) defines critical habitat as: “(i) the specific areas within the geographical area occupied by the species, at the time it is listed . . . on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed . . . upon a determination by the Secretary that such areas are essential for the conservation of the species” (16 U.S.C. 1532(5)(A)). Joint NMFS-Fish and Wildlife Service (FWS) regulations for designating critical habitat at 50 CFR 424.12(b)(1)(ii) state that the agencies will identify physical and biological features essential to the conservation of the species at an appropriate level of specificity using the best available scientific data. A physical and biological feature essential to the conservation of the species may be a single habitat characteristic or a more complex combination of characteristics, may include characteristics that support ephemeral or dynamic habitat conditions, and may also be expressed in terms relating to principles of conservation biology, such as patch size, distribution distances, and connectivity (50 CFR 424.02). “Special management considerations or protection” means methods or procedures useful in protecting physical and biological features essential to the conservation of the listed species (50 CFR 424.02).

Section 4(b)(2) of the ESA requires us to designate, and make revisions to, critical habitat for listed species based on the best scientific data available and

after taking into consideration the economic impact, the impact on national security, and any other relevant impact, of specifying any particular area as critical habitat. The Secretary of Commerce may exclude any particular area from critical habitat if he determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless he determines, based on the best scientific and commercial data available, that the failure to designate such area as critical habitat will result in the extinction of the species concerned.

The statute also provides for revision of critical habitat designated for a species. Section 4(b)(3)(D)(i) of the ESA requires, to the maximum extent practicable, that within 90 days of receipt of a petition to revise a critical habitat designation, the Secretary of Commerce make a finding on whether that petition presents substantial scientific information indicating that the petitioned revision may be warranted, and to promptly publish such finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(D)(i)).

The ESA regulations issued jointly by NMFS and FWS (50 CFR 424.14(i)(1)(i)) state that “substantial scientific information” refers to credible scientific information that would lead a reasonable person conducting an impartial scientific review to conclude that the revision proposed in the petition may be warranted. In evaluating whether substantial scientific information is provided in a petition to revise critical habitat, we consider the degree to which the petition contains: (1) a description and map(s) of the areas that the current designation does not include that should be included, or includes that should no longer be included, and a description of the benefits of designating or not designating these specific areas of critical habitat; (2) a description of physical or biological features essential for the conservation of the species and whether they may require special management considerations or protection; (3) information indicating that the specific areas petitioned to be added to critical habitat contain one or more of the physical or biological features that are essential to the conservation of the species and may require special management considerations or protection; or (4) information indicating that areas designated as critical habitat do not contain the physical and biological features essential to the conservation of the species involved or do not require

special management considerations or protection (50 CFR 424.14(e)(1–4)).

At the 90-day stage, we evaluate the petitioner’s request based upon the information in the petition, including its references and the information readily available in our files. We also consider any supplemental information submitted prior to the initial finding and specified as part of the petition: we have received no supplemental information. We do not conduct additional research or solicit information from parties outside the agency to help us evaluate the petition. We will accept the petitioner’s sources and characterizations of the information presented, if they appear to be based on accepted scientific principles (*i.e.*, credible scientific information), unless we have specific information in our files that indicates the petition’s information is incorrect, unreliable, obsolete, or otherwise irrelevant to the requested action. Information that is susceptible to more than one interpretation or that is contradicted by other available information will not be dismissed at the 90-day finding stage, so long as it is reliable and a reasonable person would conclude that it supports the petitioner’s assertions. Conclusions drawn in the petition without the support of credible scientific information will not be considered “substantial information.” If we find that a petition presents substantial information indicating that the revision may be warranted (a “positive 90-day finding”), within 12 months after receiving the petition, we are required to determine how we intend to proceed with the requested critical habitat revision and promptly publish notice of such intention in the **Federal Register** (16 U.S.C. 1533(b)(3)(D)(ii)). Because the finding at the 12-month stage is based on a more thorough review of the available information, as compared to the narrow scope at the 90-day stage, a “positive 90-day finding” would not prejudice the outcome of our review.

#### Analysis of Petition

As noted above, this response addresses the petition’s request to revise the critical habitat designation to include a migratory habitat for North Atlantic right whales that would connect the two specific areas designated as critical habitat in 2016 (81 FR 4838, January 27, 2016). The petition describes the area, that the current designation does not include, that they assert should be included in the designated critical habitat (*i.e.*, describes the areas requested for migration from Maine to Georgia) and provides information to indicate that

these areas are regularly used by right whales. The petition does not clearly identify or describe the physical or biological features that are essential to the conservation of the species and that occur within the requested area. However, the petition suggests that depth, distance from shore, and temperature might play roles similar to that in the calving grounds in making this preferred habitat. The petition also notes other behaviors that occur in the requested area, as well as threats that right whales face in this area. In the sections below, we provide our analysis of whether the information provided in the petition, which is summarized here, indicates that the petitioned action may be warranted.

#### Areas To Include

The petition asserts that there are two migratory corridors, an inner and an outer corridor, that stretch from Maine to Georgia that should be designated as critical habitat (see table 1 of the petition). The petition provides multiple references that indicate right whale presence and use of these areas (Salisbury *et al.*, 2015; Stanistreet *et al.*, 2016; BOEM Report #5586 1987, Davis *et al.*, 2017; Estabrook *et al.*, 2019; Gowan *et al.*, 2019; Hodge *et al.*, 2015; Leiter *et al.*, 2017; Stern 2023; Meyer-Gutbrod *et al.*, 2021; Muirhead *et al.*, 2018; New Jersey Offshore Wind Strategic Plan 2020, O’Brien *et al.*, 2022; Quintana-Rizzo *et al.*, 2021; Roberts *et al.*, 2024; whalemapp.org; Zoidis *et al.*, 2021, Meyer-Gutbrod *et al.*, 2022, and Murray *et al.*, 2022, Aschettino *et al.*, 2023; Engelhaupt *et al.*, 2023; cited as appendix I in the petition). These references provide ample documentation of the abundance and distribution of North Atlantic right whales in the region requested by the petition but do not provide indicators of physical and biological features that support migration in this region. Many of the references presented provide information on North Atlantic right whale presence in the mid-Atlantic region, the known migratory region for whales moving between the calving grounds in the Southeast and foraging grounds farther North. As noted in the Background (above), we acknowledged that North Atlantic right whales are present in the mid-Atlantic when considering areas that met the definition of occupied critical habitat during the 2016 revision (81 FR 4838, January 27, 2016). In the 2022 5-year review of the species, we stated that “passive acoustic monitoring suggested a shift to a year-round consistent presence of North Atlantic right whales in the mid-Atlantic post-2010, including year-

round detections in the New York Bight” (NMFS 2022). Overall, information provided by the petition and in our files indicates that North Atlantic right whales are present in the mid-Atlantic, and that they use the region year-round and as they move between the calving grounds in the south and the foraging areas in the north of their range. Given that available data also indicate right whales used these areas at the time of listing, we considered whether the information provided in the petition and readily available in our files indicates whether this area may qualify as critical habitat under the first prong of the statutory definition of critical habitat (*i.e.*, occupied critical habitat; see ESA Statutory, Regulatory, and Policy Provisions and Evaluation Framework above).

#### *Physical and Biological Features*

The petition asserts that right whales appear to prefer shallow, nearshore habitats during their migrations. In describing these habitat characteristics as important to migration, the petition suggests this preference may be influenced by the same factors that predispose them to seek shallow, coastal waters for calving areas in the Southeast. As noted in the Background section of this document, the calving area designated as critical habitat was identified based on a combination of features that are present in the South Atlantic Bight and support calving area functions, including relatively calm sea surface conditions, a narrow range of sea surface temperatures, and depths that are found relatively close to shore. The petition indicated that a water depth of 28 meters was a feature of migratory habitat and suggested that temperature and distance from shore may also play a role in facilitating migration, but provided no additional information related to the temperature range and distance from shore that is preferred in migratory areas. The petition refers to a depth of 28 meters based on conclusions found in Knowlton *et al.* (2002), Firestone *et al.* (2008), Garrison (2007), and Schick *et al.* (2009), all of which were examined when we considered designating a potential migratory critical habitat during the 2016 Final Rule (81 FR 4838, January 27, 2016), but provided no further evidence of a connection between water depth and North Atlantic right whale migration. Furthermore, while the petition stated a water depth feature of 28 meters, it requested a critical habitat designation extending out to as far as 75–94 miles (139–174 km) offshore, which would extend off

the continental shelf and into water depths spanning from hundreds to thousands of meters. The corridor requested thus extends into waters much deeper than the requested feature and the petition provides no reasoning for why this would be necessary. Although the petition does not clearly articulate what features are essential to the conservation of the whales, we considered whether the information provided by the petition or in our files suggests that depth, distance from shore, and temperature may be important in supporting migration of North Atlantic right whales in the shallow, nearshore areas of the mid-Atlantic.

The petition cited Garrison (2007) to assert that water depth is important to migration in the mid-Atlantic region. Garrison (2007) examined the relationships between environmental characteristics and the spatial distribution of calving right whales in the southeast United States off Florida and Georgia, which was taken into account for the features found in the Southeast U.S. calving ground critical habitat designated in 2016 (see Background). This work found that peak North Atlantic right whale sighting rates and optimal habitats occur at water temperature ranges of 13–15 degrees Celsius and 10–20 meters of water depth in the waters off Florida and Georgia. Garrison (2007) noted that these optimal habitat conditions could also be found in waters off South Carolina and North Carolina where survey information was indicating frequent calving right whale habitat use. However, Garrison (2007) indicated the spatial relationship between these habitat characteristics is dramatically different north of Cape Hatteras, NC, along the coast to New York and thus not likely to be predictive of right whale presence in these areas. For example, north of Cape Hatteras, winter water temperatures were lower over the continental shelf (where depths are shallower and comparable to preferred calving habitat) and water temperatures in the optimal range of 13–15 degrees Celsius occur well offshore in deeper waters (Garrison 2007). Upon review, this reference does not support the petition’s assertion that right whales appear to prefer shallow, nearshore habitats during their mid-Atlantic migrations for the same reasons they prefer these features in the calving areas.

The petition states that a water depth within 28 meters is a feature of potential critical habitat but provides no additional information that connects this depth to North Atlantic right whale migration patterns. In the last revision to critical habitat, depth was considered

as a possible important physical feature to migratory habitat in light of the work of Schick *et al.* (2009), Firestone *et al.* (2008), and Knowlton *et al.* (2002) (see Background) (80 FR 9314, February 20, 2015; 81 FR 4838, January 27, 2016). At that time, we noted that since the sightings recorded in those studies were positively biased towards nearshore, the water depth analysis would be positively biased towards shallow water, and we were unable to determine if depth is a feature essential to migration. As monitoring in the mid-Atlantic has increased over the past decade since critical habitat was designated, North Atlantic right whale sightings have been verified in the region where water depths were both below and above 28 meters. For example, Muirhead *et al.* (2018) detected North Atlantic right whales where water depths ranged between 28–90 meters in the New York Bight, and Davis *et al.* (2017) detected whales out to the 250-meter contour line throughout the spring and summer seasons over a decade of acoustic data. At the present time and without additional information from the petition that presents a relationship between migration and water depth, we are unable to draw reasonable inferences about how a water depth of 28 meters or any other depths may be a physical feature essential to the conservation of the species, and we are not aware of any information that demonstrates such a relationship.

In support of the assertion that distance from shore in concert with water depth are important habitat features that facilitate migration, the petition also cites Firestone *et al.* (2008), Knowlton *et al.* (2002), and Schick *et al.* (2009). Firestone *et al.* (2008) modeled whale migration from the Southeast calving grounds up the coast and reported that their model suggested that the whales most often used nearshore shallow water to transit. Knowlton *et al.* (2002) provided evidence that 80 percent of observations occur in waters with depths of 27.4 meters or less, and 71 percent were in waters of 18.3 meters or less during this study. Similarly to Firestone *et al.* (2008), Knowlton *et al.* (2002) acknowledged that most of the whale sightings data in the mid-Atlantic that they used for their study were obtained opportunistically rather than as a result of systematic surveys, and the observations presented in these studies were likely biased toward nearshore and shallow water, where opportunistic effort was likely higher. Schick *et al.* (2009) found that, based on telemetry data for two tagged whales, peak habitat

suitability occurred in the range of 17–108 nm (31–200 km) from shore for one tagged whale (a mother-calf pair), and for the other, peak suitability occurred in the range of 8–40 nm (15–74 km) from shore. The data presented in the scientific research studies listed above were all considered in detail in the 2016 critical habitat final rule (81 FR 4838, January 27, 2016). As noted in the 2016 critical habitat final rule, regardless of the distance from shore in which right whales have been documented along the mid-Atlantic, we found no evidence to support a conclusion that “distance from shore” is a physical or biological habitat feature essential to the conservation of right whales (81 FR 4838, January 27, 2016). In other words, we found no basis to suggest that right whales rely on distance from shore, or somehow use distance from shore and depth, to facilitate migration (70 FR 60173, October 10, 2008). We also find no evidence to suggest that mothers and calves require specific water depths in combination with distance from shore in the mid-Atlantic in order to reach the Northeast feeding ground (Firestone *et al.*, 2008; Knowlton *et al.*, 2002; and Schick *et al.*, 2009).

The petition also noted temperature as an important co-variate for shallow water, stating that shallow waters are usually warmer, and thus preferred for mothers migrating with calves who have a limited blubber layer. A Rutgers University sea surface temperature website (<https://marine.rutgers.edu/cool/data/satellites/imagery/?product=sst>) was cited to support the assertion that shallow waters are generally warmer than waters further offshore. The website provides satellite imagery of sea surface temperature between the waters off Virginia and Maine for the most recent week of dates and allows users to modify the date range to search past imagery. The petition provided no additional detail linking temperature or a range of temperatures to shallow water habitat and/or migration in the mid-Atlantic. As noted above, Garrison (2007) indicated that the favorable combinations of habitat characteristics, including optimal temperatures, found in southeast calving areas were not maintained in shallow, nearshore waters north of Cape Hatteras, North Carolina, along the east coast to New York. With no further information provided about this habitat characteristic in the mid-Atlantic, the petition does not provide sufficient scientific evidence to support the claim that temperature is an important co-variate for shallow water

preferred for migration in the mid-Atlantic.

The petition provides several sources to describe various behaviors recorded in the mid-Atlantic including foraging, mating, and socializing behaviors (Aschettino *et al.*, 2023; Aschettino *et al.*, 2024; BOEM & NMFS 2024; GeoMarine, Inc. 2010; Leiter *et al.*, 2017; Murray *et al.*, 2022; NMFS 2020; Quintana-Rizzo *et al.*, 2021). However, the petition did not provide the physical and biological features of the mid-Atlantic habitat that support these behaviors. While these behaviors are important to life history functions, they have also been well documented as occurring elsewhere throughout the range (Davies 2019; Hudak *et al.*, 2023; Mayo *et al.*, 2018), and the petition was unable to show how behaviors occurring within the requested migratory habitat connect to specific physical or biological features essential to the conservation of North Atlantic right whales. Below we examined the information provided by the petitioner about these behaviors in the mid-Atlantic as well as the information in our files to consider whether it may point to physical or biological features that are essential to the conservation of North Atlantic right whales and which may require special management considerations.

The petition refers to a number of references (Aschettino *et al.*, 2024; BOEM & NMFS 2024; GeoMarine, Inc. 2010; Leiter *et al.*, 2017; Murray *et al.*, 2022; NMFS 2020; Quintana-Rizzo *et al.*, 2021) to demonstrate foraging in the area under review. However, several references (BOEM & NMFS 2024; GeoMarine, Inc. 2010; Hayes 2022; Murray *et al.*, 2022) are not primary sources of information on North Atlantic right whale foraging and rely on the other studies, which are discussed further in the following paragraphs. Information in our files suggests that North Atlantic right whale feeding occurs in the mid-Atlantic, but that all observations of feeding behavior in this area are not the same. For example, foraging trends seem to differ in the mid-Atlantic region versus the Southern New England region. These trends are explored in further detail below.

In some areas of the mid-Atlantic, feeding would best be described as opportunistic, meaning whales occasionally forage when suitable prey in sufficient densities is present, but this behavior is not repeatedly observed in these areas. For example, Zoidis *et al.* (2021) describes a single whale skim feeding in the New York Bight in May 2019, and Whitt *et al.* (2013) observed

two juvenile individuals displaying skim feeding behavior offshore of Barnegat Bay, New Jersey, in January 2009. Aschettino *et al.* (2024), referenced by the petition, saw whales feeding via aerial survey on the continental shelf break offshore of Virginia in late May and early June of 2024. Although this information indicates opportunistic feeding may occur in these areas, this information does not provide consistent evidence documenting feeding nor provide information linking this behavior to a particular prey feature within the area requested for designation as a migratory critical habitat.

The petition also references a news article providing anecdotal knowledge of North Atlantic right whales foraging. An article by Oglesby (2024) alerted the public to two of NMFS' North Atlantic right whale Slow Zones, one east of Atlantic City, New Jersey, and one southwest of Martha's Vineyard, Massachusetts; the article suggested that foraging behavior was occurring in these areas. These two zones were established in July of 2024 by NMFS to alert mariners to aggregations of right whales that were feeding for several weeks in offshore areas (NMFS 2024; NMFS 2024). The Atlantic City, New Jersey, Slow Zone occurred 90 nm east of Atlantic City, near the Hudson Canyon, outside the area requested for designation, and the Martha's Vineyard, Massachusetts, Slow Zone occurred 69 nm (128 km) southwest of the Vineyard along the outer edge of the area requested (Cole 2024; NMFS 2024; NMFS 2024). Other studies included in the petition have documented North Atlantic right whales foraging south of Martha's Vineyard (Leiter *et al.*, 2017; Stone *et al.*, 2017; Quintana-Rizzo *et al.*, 2021) throughout much of the year. Leiter *et al.* (2017) found that North Atlantic right whales were spending an increasing amount of time in Southern New England engaging in various behaviors that included foraging and socializing but noted that whales were rare in the region in the early 2000s and thus foraging patterns appeared to be changing in more recent years. Stone *et al.* (2017) and Quintana-Rizzo *et al.* (2021) found that North Atlantic right whales are lingering in this area to forage, and that this behavior is outside of the historical migratory behaviors described in the Southern New England area. However, information in our files shows that this behavior is due to fluctuations in local prey availability (Meyer-Gutbrod *et al.*, 2021; Meyer-Gutbrod *et al.*, 2022). Continued North Atlantic right whale presence in the

Southern New England area is a response to reduced abundance of the copepod *Calanus finmarchicus* in the Gulf of Maine due to changes in the oceanographic conditions that provided a steady diet (Meyer-Gutbrod *et al.*, 2022). Based on shifting oceanographic conditions (see Background), the abundance and composition of prey species is changing across the species range (Brennan *et al.*, 2021; Hudak *et al.*, 2023), and North Atlantic right whales have been forced to forage for less energetically efficient species (Evans *et al.*, 2025). Evans *et al.* (2025) found that as ocean conditions continue to change in the short term, the latest foraging areas are equally sensitive to oceanographic shifts that lead to whales seeking out alternative areas. Ultimately, the information provided by the petition regarding foraging behavior and supplemented by our files indicates that foraging does occur to different degrees within the area requested for designation but provides no discernable pattern supporting the identification and description of physical or biological features that may support this varied foraging behavior.

The petition attempts to connect foraging behavior to a physical or biological feature by suggesting a link between the North Atlantic right whale migration route and regional prey availability. Kane and Prezioso (2007), a study focused on the distribution and abundance of the copepod species, *Temora longicornis*, in the U.S. Northeast shelf, is referenced to support an assertion that copepods are distributed in a migratory habitat used by North Atlantic right whales. However, information in our files indicates that *T. longicornis* is a negligible portion of the diet of North Atlantic right whales (Hudak *et al.*, 2023; Lehoux *et al.*, 2020). To determine whether a revision to critical habitat may be warranted based on a physical or biological feature related to foraging, we need substantial scientific information regarding the feature(s) that may occur in the requested area and how that feature or features may be essential to the conservation of the species. In addition, as discussed in the 2016 designation (see Background) physical oceanographic conditions and structures within North Atlantic right whale foraging habitat combine to distribute and aggregate prey species such that it supports foraging behavior. The 2015 proposed rule (80 FR 9314, February 20, 2015) additionally describes how dense aggregations of *C. finmarchicus* are essential to conservation of the species because, as

a principal prey source with high lipid content, these dense aggregations provide energetically rich prey necessary to meet the metabolic and reproductive demands of the North Atlantic right whale. Considering the information provided and readily available in our files, we do not find there is substantial scientific information regarding what physical oceanographic conditions and/or structures may combine to distribute and aggregate a prey species at sufficient densities (*i.e.*, an essential prey feature) within the requested migratory habitat.

In regard to social and mating behavior, the petition again provides no description of a physical or biological feature linked to these behaviors. The information provided by the petition includes opportunistic observations of social behavior during directed aerial survey efforts in the mid-Atlantic (Aschettino *et al.*, 2023; Leiter *et al.*, 2017). Groups of whales seen actively socializing at the water's surface are known as surface-active groups (SAGs). Mating and socializing occur in SAGs, which are observed during all seasons and in all habitats. For example, information in our files shows that North Atlantic right whales have been documented in SAGs off the coast of the Southeast United States (Cusano *et al.*, 2018), in Cape Cod Bay (Cusano *et al.*, 2018; Mayo *et al.*, 2018), in the mid-Atlantic (Rickard *et al.*, 2022), and in the Gulf of St. Lawrence (Lonati *et al.*, 2022). SAGs can be indicative of courtship and reproductive behavior, but not all SAGs are reproductive in nature (Kraus *et al.*, 2007). In the 2015 proposed rule (80 FR 9314, February 20, 2015), we acknowledged that the estimated conception period suggests that the Gulf of Maine may be a mating ground for this species, but we were unable to describe any physical or biological features that facilitate or are necessary for breeding and reproduction. While we are gaining more behavioral data in the mid-Atlantic due to increased monitoring efforts, we are still limited in our ability to describe habitat features that support SAGs. As the petition provides no description of physical or biological features of habitat that support SAG behavior in the mid-Atlantic migratory habitat, there is insufficient scientific information to indicate the petitioned action may be warranted due to the observation of these behaviors in this area.

In summary, the petition and the studies presented to indicate foraging, mating, and socializing are occurring in the requested migratory habitat do not provide sufficient information to

indicate what physical or biological habitat features may exist in these areas to support these behaviors or how the features may be essential to the conservation of North Atlantic right whales. Further, we are not aware of any information in our files that provides this information.

The petition identified several acoustic impacts to North Atlantic right whales such as hearing threshold shifts, communication masking, and other behavioral changes, due to anthropogenic ocean noise. The acoustic impacts identified by the petition do not relate to physical and biological features associated with possible critical habitat used by migrating whales. The protection of physical and biological features of critical habitat is distinct from the protection the individual animals themselves receive under the ESA (81 FR 4838, January 27, 2016). The potential acoustic impacts identified in the petition would be addressed through an effects analysis required under Section 7 of the ESA to inform determinations as to whether an action proposed to be funded, authorized or carried out by a Federal agency are likely to jeopardize the continued existence of a listed species.

While anthropogenic ocean noise was presented and discussed in the petition at length as a threat to individual North Atlantic right whales, the petition did not provide a specific physical or biological feature essential to the conservation of the species for us to consider as part of a potential critical habitat designation of the requested migratory area. As discussed in our response to comments for the proposed critical habitat revision in 2016, we considered whether information was available to describe the acoustic qualities that allow North Atlantic right whales to communicate efficiently and carry out other essential biological functions in any portion of their habitat. However, researchers were unable to provide details about when and how whales use calls to communicate, or the ranges over which communication occurs (Clark *et al.*, 2009), and we determined that acoustic qualities or features were unknown at that time (81 FR 4838, January 27, 2016). The petition provides a New York Times article quoting Dr. Christopher Clark and the 2016 documentary *Sonic Sea* to assert that anthropogenic ocean noise is a threat to marine mammals (<https://www.nytimes.com/2019/01/22/science/oceans-whales-noise-offshore-drilling.html>; <https://www.ifaw.org/uk/action/sonic-sea-feature-film>). To determine whether a revision to critical habitat may be warranted based on mid-

Atlantic ocean noise, we need substantial scientific information regarding the acoustic environment that North Atlantic right whales may require to support their life-history needs in that area. In other words, we need to be able to describe what acoustic features may exist in the mid-Atlantic migratory habitat that are essential to the conservation of these whales and which may require special management consideration. The references presented in this petition and information included in our files do not provide descriptions of such features. We agree that anthropogenic ocean noise is a known threat to North Atlantic right whales, and that there is a need to increase scientific research on noise pollution to understand the potential effect on North Atlantic right whales and their habitat, and note this in several NMFS documents such as the 2022 5-Year Review, 2021–2025 Species in the Spotlight Action Plan, North Atlantic Right Whale Road to Recovery, and the NMFS and Bureau of Ocean Energy Management North Atlantic Right Whales and Offshore Wind Strategy (NMFS 2022; NMFS 2021; NMFS 2025; BOEM & NMFS 2024). As our understanding of how these whales use their environment increases, we may be better equipped to describe other features that support their life-history needs in different areas of their range.

#### Petition Finding

After reviewing this petition, the list of references provided by the petitioner, and other literature and information readily available in our files, we find that the petition does not present substantial scientific information indicating a revision to North Atlantic right whale critical habitat may be warranted. While the petition provided us with an area to consider based on the presence of North Atlantic right whales in that area, it did not provide substantial scientific information regarding the potential feature of water depth in the requested area. The petition also did not provide a clear set of identifiable physical or biological features that may be essential to the conservation of the species to consider outside of the water depth feature. The information provided in the petition, as well as what was readily available in our files, is substantially similar to the information we considered in the final rule to revise the North Atlantic right whale critical habitat on January 27, 2016 (81 FR 4838). In that rulemaking, we determined, based on the best available information, that we did not know the actual route or routes that

right whales typically use to transit between other habitats, nor did we have data to identify the essential physical and biological features of a migratory route. The additional information provided in the petition and supplemented by information readily available in our files does not currently support a change in that determination.

#### References Cited

A complete list of all references cited herein is available upon request (see **FOR FURTHER INFORMATION CONTACT** section).

**Authority:** The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: July 17, 2026.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for  
Regulatory Programs, National Marine  
Fisheries Service.*

[FR Doc. 2026–14777 Filed 7–21–26; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XF841]

#### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Office of Naval Research's Arctic Research Activities in the Beaufort and Chukchi Seas (Year 9)

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

**SUMMARY:** NMFS has received a request from the Office of Naval Research (ONR) for authorization to take marine mammals incidental to Arctic Research Activities (ARA) in the Beaufort Sea and eastern Chukchi Sea. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activity. NMFS is also requesting comments on a possible one-time, 1-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and

agency responses will be summarized in the final notice of our decision. ONR's activities are considered military readiness activities pursuant to the MMPA, as amended by the National Defense Authorization Act for Fiscal Year 2004 (2004 NDAA).

**DATES:** Comments and information must be received no later than August 21, 2026.

**ADDRESSES:** Comments should be addressed to Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to [ITP.clevenstine@noaa.gov](mailto:ITP.clevenstine@noaa.gov). Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-military-readiness-activities>. In case of problems accessing these documents, please call the contact listed below.

**Instructions:** NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> without change. All personal identifying information (*e.g.*, name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Alyssa Clevenstine, Office of Protected Resources, NMFS, (301) 427–8401.

#### SUPPLEMENTARY INFORMATION:

##### Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Section 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). If such findings are made, NMFS must prescribe the permissible methods of taking; other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to as “mitigation”); and requirements pertaining to the monitoring and reporting of the takings. The definitions of all applicable MMPA statutory terms used above are included in the relevant sections below (see also 16 U.S.C. 1362; 50 CFR 216.3, 216.103).

The 2004 NDAA (Pub. L. 108–136) removed the “small numbers” and “specified geographical region” limitations indicated above and amended the definition of “harassment” as applied to a “military readiness activity.” The activity for which incidental take of marine mammals is being requested qualifies as a military readiness activity.

#### National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216–6A, which do not individually or

cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

#### Summary of Request

On June 4, 2026, NMFS received a request from ONR for an IHA to take marine mammals incidental to ARA in the Beaufort and Chukchi Seas. Following NMFS’ review of the application, ONR submitted a revised version on June 18, 2026. The application was deemed adequate and complete on June 24, 2026. ONR’s request is for take of beluga whales and ringed seals by Level B harassment only. Neither ONR nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

This proposed IHA would cover the ninth year of a larger project for which ONR obtained prior IHAs and renewal IHAs (83 FR 48799, September 27, 2018; 84 FR 50007, September 24, 2019; 85 FR 53333, August 28, 2020; 86 FR 54931, October 5, 2021; 87 FR 57458, September 20, 2022; 88 FR 65657, September 18, 2023; 89 FR 77089, September 14, 2024; 90 FR 43178, September 14, 2025). ONR has complied with all the requirements (*e.g.*, mitigation, monitoring, and reporting) of the previous IHAs, and information regarding their monitoring results may be found in the Estimated Take of Marine Mammals section.

#### Description of Proposed Activity

##### Overview

ONR proposes to conduct scientific experiments in support of ARA using active acoustic sources within the Beaufort and Chukchi Seas. Project

activities involve acoustic testing and a multi-frequency navigation system concept test using left-behind active acoustic sources. The proposed experiments involve the deployment of moored, drifting, and ice-tethered active acoustic sources from the Research Vessel (R/V) Sikuliaq. Recovery of equipment may be from R/V Sikuliaq, U.S. Coast Guard Cutter (CGC) HEALY, or another vessel, and icebreaking may be required. Underwater sound from the active acoustic sources and noise from icebreaking may result in Level B harassment of marine mammals.

##### Dates and Duration

The proposed activity would occur from September 2026 through September 2027 and include up to two research cruises. Acoustic testing would take place during the cruises, with the first cruise beginning September 22, 2026, and a potential second cruise occurring in summer 2027, which may include up to 8 days of icebreaking activities. Acoustic sources would operate year-round and would be deployed and recovered during the research cruises.

##### Geographic Region

The proposed activity would occur across the U.S. Exclusive Economic Zone (EEZ) in the Beaufort and Chukchi Seas, partially in the high seas north of Alaska, the global commons, and within a part of the Canadian EEZ (for which Navy would obtain the appropriate permits) (figure 1). The proposed activity would primarily occur in the Beaufort Sea but the analysis considers the drifting of active sources on buoys into the eastern portion of the Chukchi Sea. The closest point of the Study Area to the Alaska coast is 204 kilometers (km) (110 nautical miles). The proposed Study Area is approximately 639,237 square kilometers (km<sup>2</sup>).

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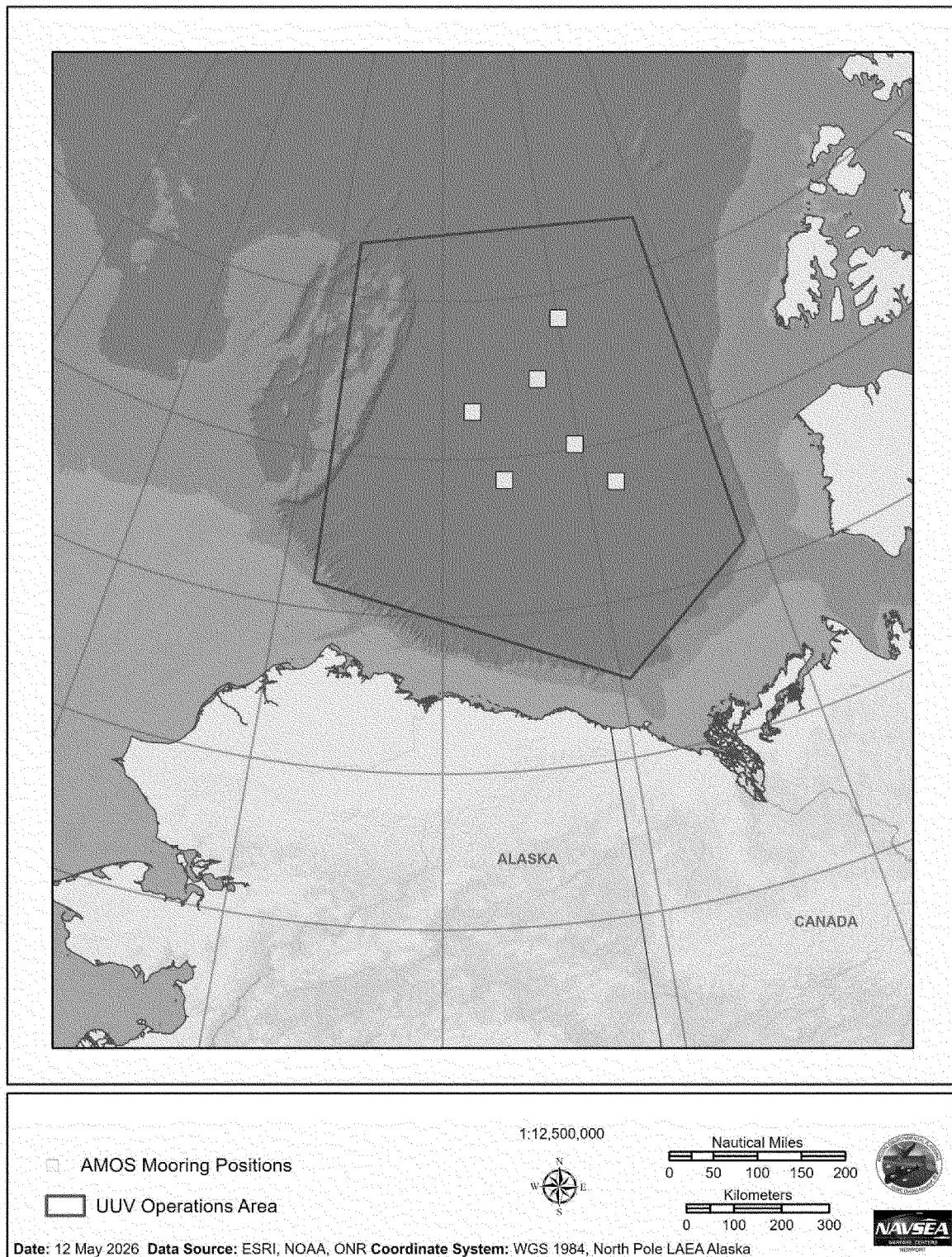


**Figure 1—Arctic Research Activities Study Area and Mooring Locations**

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*Detailed Description of the Specified Activity*

ONR's ARA include multiple scientific objectives that support the Arctic and Global Prediction Program, including Arctic Mobile Observing System (AMOS). The proposed activity

constitutes the development of a new system under AMOS involving very-low-, low-, and mid-frequency (VLF, LF, and MF) transmissions (35 Hertz (Hz), 900 Hz, and 10 kilohertz (kHz)) (the former not applicable to Year 9), utilizing acoustic sources and receivers to provide a means of performing under-

ice navigation for autonomous underwater vehicles (AUVs), including gliders and unmanned undersea vehicles (UUVs). This would allow for the possibility of year-round scientific observations of Arctic environmental phenomena. As an environment particularly affected by climate change, year-round observations under a variety of ice conditions are required to study the effects of this changing environment for military readiness, as well as the implications of environmental change to humans and animals. VLF technology is an important method of observing ocean warming, and the continued development of these types of acoustic sources would allow for characterization of larger areas. The technology also has the potential to allow for development and use of navigational systems that would not be heard by some marine mammal species and, therefore, would be less impactful.

Up to six moorings (fixed acoustic navigation sources transmitting at 900 Hz) and two drifting ice gateway buoys (IGBs) would be configured with active acoustic sources and would operate for a period of 1 year. ONR does not expect to use VLF sources (35 Hz) from September 2026 through September 2027 due to hardware availability. Further, no UUV use is planned during the September 2026 cruise but it may be included in future test plans during the period of the proposed IHA; however, NMFS has considered these sources herein to account for their potential use.

The proposed activity would utilize non-impulsive acoustic sources, although not all sources will cause take of marine mammals (tables 1, 2). Marine mammal takes would arise from the operation of non-impulsive active sources. Although not currently planned, icebreaking could occur as part of this proposed activity if a research vessel needs to return to the Study Area before the end of the IHA period to ensure scientific objectives are met. Underwater sound from the active acoustic sources and noise from icebreaking may result in take by Level B harassment of marine mammals.

Below are descriptions of the platforms and equipment that would be deployed at different times during the proposed activity.

Research Vessels

The R/V Sikuliaq would perform the research cruise in September 2026 and conduct testing of acoustic sources during the cruise, as well as deploy leave behind sources to operate as a year-round navigation system observation. The vessel to be used in a potential 2027 cruise is yet to be determined but would likely be either the R/V Sikuliaq or the CGC HEALY.

The R/V Sikuliaq has a maximum speed of approximately 22.2 km per hour (km/hr) with a cruising speed of 20.4 km/hr. The R/V Sikuliaq is not an icebreaking ship but an ice strengthened ship, so it would not be icebreaking. Therefore, acoustic signatures of icebreaking for the R/V Sikuliaq are not relevant. CGC HEALY travels at a maximum speed of 31.5 km/hr with a cruising speed of 22.2 km/hr and a maximum speed of 5.6 km/hr when traveling through 1.07 m of sea ice. While no icebreaking cruise on the CGC HEALY is planned, this proposed IHA considers an icebreaking cruise in case the need arises. The R/V Sikuliaq, CGC HEALY, or any other vessel operating a research cruise associated with the proposed activity may perform the following activities during their research cruises:

- Deployment of moored and/or ice-tethered passive sensors (oceanographic measurement devices, acoustic receivers);
- Deployment of moored and/or ice-tethered active acoustic sources to transmit acoustic signals;
- Deployment of AUVs;
- Deployment of drifting buoys, with or without acoustic sources; or,
- Recovery of equipment.

Glider Surveys

Glider surveys are proposed for the research cruise. All gliders would be recovered; some may be recovered during the cruise, but the remainder would be recovered at a later date. Long-endurance, autonomous sea gliders are

intended for use in extended missions in ice-covered waters. Gliders are buoyancy-driven, equipped with satellite modems providing two-way communication, and can transit to depths of up to 1,000 m. Gliders would collect data in the area of the shallow water sources and moored sources, moving at a speed of 0.25 meters per second, approximately 23 km per day. A combination of recent advances in sea glider technology would provide full-year endurance. When operating in ice-covered waters, gliders navigate by trilateration (the process of determining location by measurement of distances, using the geometry of circles, spheres, or triangles) from moored acoustic sound sources (or dead reckoning should navigation signals be unavailable). Hibernating gliders would continue to track their position, waking to reposition should they drift too far from their target region. Gliders measure temperature, salinity, dissolved oxygen, rates of dissipation of temperature variance (and vertical turbulent diffusivity), and multi-spectral downwelling irradiance.

Moored and Drifting Acoustic Sources

During the September 2026 cruise, active acoustic sources would be lowered from the cruise vessel while stationary, deployed on AUVs, or deployed on fixed AMOS moorings for intermittent testing of the system components. The testing would take place in the vicinity of the source locations in figure 1. During this testing, 900 Hz, 10 kHz, and acoustic modems would be employed.

Up to six fixed acoustic navigation sources transmitting at 900 Hz would remain in place for 1 year. These moorings would be anchored on the seabed and held in the water column with subsurface buoys. All sources would be deployed by shipboard winches, which would lower sources and receivers in a controlled manner. Anchors would be steel “wagon wheels” typically used for this type of deployment. Two drifting IGBs would also be configured with active acoustic sources.

TABLE 1—CHARACTERISTICS OF MODELED ACOUSTIC SOURCES

| Platform<br>(total number deployed) | Acoustic source           | Purpose/function              | Frequency     | Signal strength (dB re 1<br>μPa at 1 m) | Bandwidth   | Pulse width/duty cycle                                 |
|-------------------------------------|---------------------------|-------------------------------|---------------|-----------------------------------------|-------------|--------------------------------------------------------|
| REMUS 600 UUV (up to<br>1).         | WHOI Micro-modem .....    | Acoustic communica-<br>tions. | 900–950 Hz    | NTE 180 dB by system<br>design limits.  | 50 Hz ..... | 5 pings/hour with 30 sec<br>pulse length.              |
| REMUS 600 UUV (up to<br>1).         | UUV/WHOI Micro-<br>modem. | Acoustic communica-<br>tions. | 8–14 kHz .... | NTE 185 dB by system<br>design limits.  | 5 kHz ..... | 10% average duty cycle,<br>with 4 sec pulse<br>length. |
| IGB (drifting) .....<br>(2) .....   | WHOI Micro-modem .....    | Acoustic communica-<br>tions. | 900–950 Hz    | NTE 180 dB by system<br>design limits.  | 50 Hz ..... | Transmit every 4 hours,<br>30 sec pulse length.        |

TABLE 1—CHARACTERISTICS OF MODELED ACOUSTIC SOURCES—Continued

| Platform<br>(total number deployed) | Acoustic source        | Purpose/function              | Frequency     | Signal strength (dB re 1<br>μPa at 1 m) | Bandwidth   | Pulse width/duty cycle                                         |
|-------------------------------------|------------------------|-------------------------------|---------------|-----------------------------------------|-------------|----------------------------------------------------------------|
| IGB (drifting) .....<br>(2) .....   | WHOI Micro-modem ..... | Acoustic communica-<br>tions. | 8–14 kHz .... | NTE 185 dB by system<br>design limits.  | 5 kHz ..... | Typically receive only;<br>transmit is very inter-<br>mittent. |
| Mooring (6) .....                   | WHOI Micro-modem (6)   | Acoustic Navigation .....     | 900–950 Hz    | NTE 180 dB by system<br>design limits.  | 50 Hz ..... | Transmit every 4 hours,<br>30 sec pulse length.                |
| Mooring (2) * .....                 | VLF .....              | Acoustic Navigation .....     | 35 Hz .....   | NTE 190 dB .....                        | 6 Hz .....  | Up to 4 times per day,<br>10 minutes each.                     |

**Note:** dB re 1 μPa at 1 m = decibels referenced to 1 microPascal at 1 meter; WHOI = Woods Hole Oceanographic Institution; Hz = Hertz; NTE = not to exceed; sec = second; IGB = Ice Gateway Buoy; kHz = kilohertz. REMUS use is not anticipated during the September 2026 cruise but is included in case of future use during the proposed IHA period.

\*No VLF sources (35 Hz) would be used in Year 9 due to hardware availability.

#### De Minimis Sources

The following activities and sources are unlikely to result in take of marine mammals. These activities are described here but they are not discussed further in this notice. ONR characterizes *de minimis* sources as those with the following parameters: low source levels (SLs), narrow beams, downward directed transmission, short pulse lengths, frequencies outside known marine mammal hearing ranges, or some combination of these factors (U.S. Department of the Navy, 2013). NMFS concurs with ONR's determination that

the sources they have identified here as *de minimis* are unlikely to result in take of marine mammals. The following are some of the *de minimis* sources which would be used during the proposed activity: WHOI micromodem, Acoustic Doppler Current Profilers (ADCPs), ice profilers, and additional sources below 160 dB re 1 μPa used during towing operations. ADCPs may be used on moorings. Ice-profilers measure ice properties and roughness. The ADCPs and ice-profilers would all be above 200 kHz and therefore out of marine mammal hearing ranges, with the exception of the 75 kHz ADCP which

has the characteristics and *de minimis* justification listed in table 2. They may be employed on moorings or AUVs.

A WHOI micromodem will also be employed during the leave behind period. During the leave behind period, this source is used for very intermittent communication with vehicles to communicate vehicle status for safety of navigation purposes. It is treated as *de minimis* while employed in this manner (in contrast with the WHOI micromodem usage described in table 1, which covers the use of the micromodem during research cruises).

TABLE 2—PARAMETERS FOR *De minimis* NON-IMPULSIVE ACOUSTIC SOURCES

| Source name                                       | Frequency range<br>(kHz) | Sound<br>pressure level<br>(dB re 1 μPa<br>at 1 m) | Pulse length<br>(seconds) | Duty cycle<br>(Percent) | De minimis justification                                      |
|---------------------------------------------------|--------------------------|----------------------------------------------------|---------------------------|-------------------------|---------------------------------------------------------------|
| ADCP .....                                        | >200, 150, or 75         | 190                                                | <0.001                    | <0.1                    | Very low pulse length, narrow<br>beam, moderate source level. |
| Nortek Signature 500 kHz Doppler<br>Velocity Log. | 500                      | 214                                                | <0.1                      | <13                     | Very high frequency.                                          |
| CTD attached echosounder .....                    | 5–20                     | 160                                                | 0.004                     | 2                       | Very low source level.                                        |

**Note:** CTD = conductivity temperature depth.

#### Drifting Oceanographic Sensors

Observations of ocean-ice interactions require the use of sensors that are moored and embedded in the ice. Icebreaking would not be required for these observations, as deployments can be performed in areas of low ice-coverage or free-floating ice. Sensors are deployed within a few dozen meters of each other on the same ice floe. Three types of sensors would be used: (1) autonomous ocean flux buoys; (2) Integrated Autonomous Drifters; and (3) and ice-tethered profilers. The autonomous ocean flux buoys measure oceanographic properties just below the ocean-ice interface with ADCPs and temperature chains to measure temperature, salinity, and other ocean parameters the top 6 m of the water column. Integrated Autonomous Drifters have a long temperate string extending

down to 200 m depth and would incorporate meteorological sensors, and a temperature spring to estimate ice thickness. The ice-tethered profilers collect information on ocean temperature, salinity, and velocity down to 250 m depth.

Up to 20 Argo-type autonomous profiling floats may be deployed in the central Beaufort Sea. Argo floats drift at 1,500 m depth and collect profiles of temperature and salinity from 2,000 m to the sea surface once every 10 days.

#### Moored Oceanographic Sensors

Moored sensors capture a range of ice, ocean, and atmospheric conditions on a year-round basis via sub-surface moorings anchored to the seafloor measuring velocity, temperature, and salinity in the upper 500 m of the water column. The moorings also collect high-resolution acoustic measurements of the

ice using the ice profilers described in table 2. Ice velocity and surface waves would be measured by 500 kHz multibeam sonars. The moored oceanographic sensors described above use only *de minimis* sources and are therefore not anticipated to have the potential for impacts on marine mammals or their habitat.

#### On-Ice Measurements

On-ice measurement systems would be used to collect weather data and include an Autonomous Weather Station and an Ice Mass Balance Buoy. The Autonomous Weather Station would be deployed on a tripod with insulated foot platforms that are frozen into the ice and consist of an anemometer, humidity sensor, and pressure sensor. It also includes an altimeter that is *de minimis* due to its very-high frequency (200 kHz). The Ice

Mass Balance Buoy is a 6 m sensor string deployed through a 5 centimeter (cm) hole drilled into ice. The string is weighted by a 1 kilogram (kg) lead weight and is supported by a tripod. The buoy contains a *de minimis* 200 kHz altimeter and snow depth sensor. Autonomous Weather Stations and Ice Mass Balance Buoys would be deployed and drift with the ice, making measurements until their host ice floes melt, thus destroying the instruments (likely in summer, roughly 1 year after deployment). After the on-ice instruments are destroyed they cannot be recovered and would sink to the seafloor as their host ice floes melted.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (see Proposed Mitigation section and Proposed Monitoring and Reporting section).

#### Description of Marine Mammals in the Area of Specified Activity

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior

and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs) (<https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>) and more general information about these species (e.g., physical and behavioral descriptions) may be found on NMFS' website (<https://www.fisheries.noaa.gov/find-species>).

Table 3 lists all species or stocks for which take is likely and proposed to be authorized for this activity and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its

optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is anticipated or proposed to be authorized here, PBR and annual mortality and serious injury (M/SI) from anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. Alaska SARs. All values presented in table 3 are the most recent available at the time of publication and are available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>.

TABLE 3—SPECIES, STOCKS, AND THE STATUS OF MARINE MAMMALS<sup>1</sup> WITH ESTIMATED TAKE FROM THE SPECIFIED ACTIVITY

| Common name        | Scientific name                    | Stock                 | ESA/<br>MMPA<br>status;<br>strategic<br>(Y/N) <sup>2</sup> | Stock abundance<br>(CV, N <sub>min</sub> , most recent<br>abundance survey) <sup>3</sup> | PBR | Annual<br>M/SI <sup>4</sup> |
|--------------------|------------------------------------|-----------------------|------------------------------------------------------------|------------------------------------------------------------------------------------------|-----|-----------------------------|
| Beluga whale ..... | <i>Delphinapterus leucas</i> ..... | Beaufort Sea .....    | - , - , N                                                  | 39,258 (0.229, N/A, 1992) ....                                                           | UND | 104                         |
| Beluga whale ..... | <i>Delphinapterus leucas</i> ..... | Eastern Chukchi ..... | - , - , N                                                  | 13,305 (0.51, 8,875, 2017) ....                                                          | 178 | 56                          |
| Ringed seal .....  | <i>Pusa hispida</i> .....          | Arctic .....          | T, D, Y                                                    | UND <sup>5</sup> (UND, UND, 2013) .....                                                  | UND | 6,459                       |

**Note:** N/A = not applicable; UND = undetermined.

<sup>1</sup> Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (<https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies/>).

<sup>2</sup> ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

<sup>3</sup> NMFS marine mammal stock assessment reports online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>. CV is coefficient of variation; N<sub>min</sub> is the minimum estimate of stock abundance.

<sup>4</sup> These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, vessel strike). Annual M/SI often cannot be determined precisely and is, in some cases, presented as a minimum value or range.

<sup>5</sup> A reliable population estimate for the entire stock is not available. Using a sub-sample of data collected from the U.S. portion of the Bering Sea, an abundance estimate of 171,418 ringed seals has been calculated, but this estimate does not account for availability bias due to seals in the water or in the shore-fast ice zone at the time of the survey. The actual number of ringed seals in the U.S. portion of the Bering Sea is likely much higher. Using the N<sub>min</sub> based upon this negatively biased population estimate, the PBR is calculated to be 4,755 seals, although this is also a negatively biased estimate.

As indicated above, both species (with three managed stocks) in table 3 temporally and spatially co-occur with the specified activity to the degree that take is likely to occur. While bowhead whales (*Balaena mysticetus*), gray whales (*Eschrichtius robustus*), narwhals (*Monodon monoceros*), bearded seals (*Erignathus barbatus*), spotted seals (*Phoca largha*), and ribbon seals (*Histiophoca fasciata*) have been documented in the area, the temporal and/or spatial occurrence of these species is such that take is not expected to occur, and they are not discussed

further beyond the explanation provided here.

Due to the location of the Study Area (i.e., northern offshore, deep water), there were no calculated exposures for the bowhead whale, gray whale, bearded seal, spotted seal, and ribbon seal from quantitative modeling of acoustic sources. Bowhead and gray whales are associated with the shallow waters of the continental shelf in the Beaufort Sea and are unlikely to be exposed to acoustic harassment from this activity (Carretta *et al.*, 2024; Young *et al.*, 2026). Gray whales feed primarily

in the Beaufort Sea, Chukchi Sea, and Northwestern Bering Sea during the summer and fall, but migrate south to winter in Baja California lagoons (Carretta *et al.*, 2024). Gray whales are primarily bottom feeders (Swartz *et al.*, 2006) in water depths of less than 60 m (Pike, 1962). Therefore, on the rare occasion that a gray whale does overwinter in the Beaufort Sea (Stafford *et al.*, 2007), we would expect an overwintering individual to remain in shallow water over the continental shelf where it could feed. Spotted seals tend to prefer pack ice areas with water

depths less than 200 m during the spring and move to coastal habitats in the summer and fall, found as far north as 69–72 degrees N (Young *et al.*, 2026). Although the Study Area includes some waters south of 72 degrees N, the acoustic sources with the potential to result in take of marine mammals are not found below that latitude and spotted seals are not expected to be exposed. Ribbon seals are found year-round in the Bering Sea but may seasonally range into the Chukchi Sea (Young *et al.*, 2026). The proposed activity occurs primarily in the Beaufort Sea, outside of the core range of ribbon seals, thus ribbon seals are not expected to be behaviorally harassed. Narwhals are considered extralimital in the Study Area and are not expected to be encountered.

In addition, the polar bear (*Ursus maritimus*) and Pacific walrus (*Odobenus rosmarus*) may be found both on sea ice and/or in the water within the Beaufort Sea and Chukchi Sea; however, both species are managed by the U.S. Fish and Wildlife Service and are not considered further in this document.

#### *Beluga Whale*

Beluga whales are distributed throughout seasonally ice-covered arctic and subarctic waters of the Northern Hemisphere (Gurevich, 1980) and are closely associated with open leads and polynyas in ice-covered regions (Hazard, 1988). Belugas may be either migratory or residential (non-migratory), depending on the population. Seasonal distribution is affected by ice cover, tidal conditions, access to prey, temperature, and human interaction (Frost *et al.*, 1985; Hauser *et al.*, 2014). Two stocks, the Beaufort Sea and eastern Chukchi Sea stocks, have the potential to occur in the location of this proposed activity.

Migratory Biologically Important Areas (BIAs) for belugas in the eastern Chukchi and Alaskan Beaufort Sea overlap the southern and western portion of the Study Area (Clarke *et al.*, 2023). A migration corridor for both stocks of beluga whale includes the eastern Chukchi Sea through the Beaufort Sea, with the Beaufort Sea stock utilizing the migratory BIA in April-May and the Eastern Chukchi Sea stock utilizing portions of the area in November. There are also feeding BIAs for both stocks throughout the Arctic region (Clarke *et al.*, 2023). During the winter, they can be found foraging in offshore waters associated with pack ice. When the sea ice melts in summer, they move to warmer river estuaries and coastal areas for molting and calving

(Young *et al.*, 2026). Annual migrations can span over thousands of kilometers. The residential Beaufort Sea populations participate in short distance movements within their range throughout the year. Based on satellite tags (Suydam *et al.*, 2001; Hauser *et al.*, 2014), there is some overlap in distribution with the eastern Chukchi Sea beluga whale stock.

During the winter, eastern Chukchi Sea belugas occur in offshore waters associated with pack ice. In the spring, they migrate to warmer coastal estuaries, bays, and rivers where they may molt (Finley, 1982; Suydam, 2009), give birth to, and care for their calves (Sergeant and Brodie, 1969). Eastern Chukchi Sea belugas move into coastal areas, including Kasegaluk Lagoon (outside of the proposed project site), in late June and animals are sighted in the area until about mid-July (Frost and Lowry, 1990; Frost *et al.*, 1993). Satellite tags attached to eastern Chukchi Sea belugas captured in Kasegaluk Lagoon during the summer showed these whales traveled 1,100 km north of the Alaska coastline, into the Canadian Beaufort Sea within three months (Suydam *et al.*, 2001). Satellite telemetry data from 23 whales tagged during 1998–2007 suggest variation in movement patterns for different age and/or sex classes during July–September (Suydam *et al.*, 2005). Adult males used deeper waters and remained there for the duration of the summer; all belugas that moved into the Arctic Ocean (north of 75 degrees N) were males, and males traveled through 90 percent pack ice cover to reach deeper waters in the Beaufort Sea and Arctic Ocean (79–80 degrees N) by late July/early August. Adult and immature female belugas remained at or near the shelf break in the south through the eastern Bering Strait into the northern Bering Sea, remaining north of Saint Lawrence Island over the winter.

#### *Ringed Seal*

Ringed seals are the most common pinniped in the Study Area and have wide distribution in seasonally and permanently ice-covered waters of the Northern Hemisphere (North Atlantic Marine Mammal Commission, 2004). Throughout their range, ringed seals have an affinity for ice-covered waters and are well adapted to occupying both shore-fast and pack ice (Kelly, 1988). Ringed seals can be found further offshore than other pinnipeds since they can maintain breathing holes in ice thickness greater than 2 m (Smith and Stirling, 1975). The breathing holes are maintained by ringed seals using their sharp teeth and claws found on their

fore flippers. They remain in contact with ice most of the year and use it as a platform for molting in late spring to early summer, for pupping and nursing in late winter to early spring, and for resting at other times of the year (Young *et al.*, 2026).

Ringed seals have at least two distinct types of subnivean lairs: Haulout lairs and birthing lairs (Smith and Stirling, 1975). Haul-out lairs are typically single-chambered and offer protection from predators and cold weather. Birthing lairs are larger, multi-chambered areas that are used for pupping in addition to protection from predators. Ringed seals pup on both shore-fast ice as well as stable pack ice. Lentfer (1972) found that ringed seals north of Utqiagvik, Alaska, build their subnivean lairs on the pack ice near pressure ridges. Since subnivean lairs were found north of Utqiagvik, Alaska, in pack ice, they are also assumed to be found within the sea ice in the proposed project site. Ringed seals excavate subnivean lairs in drifts over their breathing holes in the ice, in which they rest, give birth, and nurse their pups for 5–9 weeks during late winter and spring (Chapskii, 1940; McLaren, 1958; Smith and Stirling, 1975). Ringed seals are born beginning in March but the majority of births occur in early April. About a month after parturition, mating begins in late April and early May.

In Alaskan waters, during winter and early spring when sea ice is at its maximum extent, ringed seals are abundant in the northern Bering Sea, Norton and Kotzebue Sounds, and throughout the Chukchi and Beaufort seas (Frost, 1985; Kelly, 1988). Passive acoustic monitoring of ringed seals from a high frequency recording package deployed at a depth of 240 m in the Chukchi Sea 120 km north-northwest of Utqiagvik, Alaska detected ringed seals in the area between mid-December and late May over the 4-year study (Jones *et al.*, 2014). In addition, ringed seals have been observed near and beyond the outer boundary of the U.S. EEZ (Beland and Ireland, 2010). During the spring and early summer, ringed seals may migrate north as the ice edge recedes and spend their summers in the open water period of the northern Beaufort and Chukchi Seas (Frost, 1985). Foraging-type movements have been recorded over the continental shelf and north of the continental shelf waters (Von Duyke *et al.*, 2020). During this time, sub-adult ringed seals may also occur in the Arctic Ocean Basin (Hamilton *et al.*, 2015; Hamilton *et al.*, 2017).

With the onset of fall freeze, ringed seal movements become increasingly

restricted and seals will either move west and south with the advancing ice pack with many seals dispersing throughout the Chukchi and Bering Seas, or remaining in the Beaufort Sea (Crawford *et al.*, 2012; Frost and Lowry, 1984; Harwood *et al.*, 2012). Kelly *et al.* (2010) tracked home ranges for ringed seals in the subnivean period (using shore-fast ice); the size of the home ranges varied from less than 1 up to 279 km<sup>2</sup> (median = 0.62 km<sup>2</sup> for adult males, 0.65 km<sup>2</sup> for adult females). Most (94 percent) of the home ranges were less than 3 km<sup>2</sup> during the subnivean period (Kelly *et al.*, 2010). Near large polynyas, ringed seals maintain ranges, up to 7,000 km<sup>2</sup> during winter and 2,100 km<sup>2</sup> during spring (Born *et al.*, 2004). Some adult ringed seals return to the same small home ranges they occupied during the previous winter (Kelly *et al.*, 2010). The size of winter home ranges can vary by up to a factor of 10 depending on the amount of fast ice; seal movements were more restricted during winters with extensive fast ice and were much less restricted where fast ice did not form at high levels (Harwood *et al.*, 2015).

Of the five recognized subspecies of ringed seals, the Arctic ringed seal occurs in the Arctic Ocean and Bering Sea and is the only stock that occurs in U.S. waters. NMFS listed the Arctic ringed seal subspecies as threatened under the ESA on December 28, 2012 (77 FR 76706), primarily due to anticipated loss of sea ice through the end of the 21st century.

Critical Habitat

Critical habitat for the ringed seal includes marine waters within one specific area in the Bering, Chukchi, and Beaufort Seas (87 FR 19232, April 1,

2022). Essential features established by NMFS for conservation of ringed seals are (1) snow-covered sea ice habitat suitable for the formation and maintenance of subnivean birth lairs used for sheltering pups during whelping and nursing, which is defined as waters 3 m or more in depth (relative to Mean Lower Low Water (MLLW)) containing areas of seasonal land-fast (shore-fast) ice or dense, stable pack ice, that have undergone deformation and contain snowdrifts of sufficient depth to form and maintain birth lairs (typically at least 54 cm (21.3 in) deep); (2) sea ice habitat suitable as a platform for basking and molting, which is defined as areas containing sea ice of 15 percent or more concentration in waters 3 m (9.8 ft) or more in depth (relative to MLLW); and (3) primary prey resources to support Arctic ringed seals, which are defined to be small, often schooling, fishes, in particular Arctic cod (*Boreogadus saida*), saffron cod (*Eleginus gracilis*), and rainbow smelt (*Osmerus dentex*); and small crustaceans, in particular, shrimps and amphipods.

The Study Area does not overlap with ringed seal critical habitat (87 FR 19232, April 1, 2022); however, as stated in NMFS' final rule for the Designation of Critical Habitat for the Arctic Subspecies of the Ringed Seal (87 FR 19232, April 1, 2022), the area excluded from the critical habitat contains one or more of the essential features of the Arctic ringed seal's critical habitat, therefore, even though this area is excluded from critical habitat designation, habitat with the physical and biological features essential for ringed seal conservation is still available to the species, although data are limited to inform NMFS' assessment of the

relative value of this area to the conservation of the species; however, as described later and in more detail in the Potential Effects of Specified Activity on Marine Mammals and their Habitat section, we expect minimal impacts to marine mammal habitat as a result of ONR's ARA, including impacts to ringed seal sea ice habitat suitable as a platform for basking and molting and impacts on prey availability.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (e.g., Richardson *et al.*, 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) and Southall *et al.* (2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Generalized hearing ranges were chosen based on the approximately 65 dB threshold from composite audiograms, previous analyses in NMFS (2018), and/or data from Southall *et al.* (2007) and Southall *et al.* (2019). We note that the names of two hearing groups and the generalized hearing ranges of all marine mammal hearing groups have been recently updated (NMFS, 2024) as reflected below in table 4.

TABLE 4—MARINE MAMMAL HEARING GROUPS [NMFS, 2024]

| Hearing group                                                                                                                                                | Generalized hearing range* |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Low-frequency (LF) cetaceans (baleen whales) .....                                                                                                           | 7 Hz to 36 kHz.            |
| High-frequency (HF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales) .....                                                             | 150 Hz to 160 kHz.         |
| Very High-frequency (VHF) cetaceans (true porpoises, <i>Kogia</i> , river dolphins, Cephalorhynchid, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i> ). | 200 Hz to 165 kHz.         |
| Phocid pinnipeds (PW) (underwater) (true seals) .....                                                                                                        | 40 Hz to 90 kHz.           |
| Otariid pinnipeds (OW) (underwater) (sea lions and fur seals) .....                                                                                          | 60 Hz to 68 kHz.           |

\* Represents the generalized hearing range for the entire group as a composite (i.e., all species within the group), where individual species' hearing ranges may not be as broad. Generalized hearing range chosen based on approximately 65 dB threshold from composite audiogram, previous analysis in NMFS (2018), and/or data from Southall *et al.* (2007) and Southall *et al.* (2019). Additionally, animals are able to detect very loud sounds above and below that "generalized" hearing range.

For more detail concerning these groups and associated frequency ranges, please see NMFS (2024) for a review of available information.

Potential Effects of Specified Activity on Marine Mammals and Their Habitat

This section discusses how components of the specified activity may impact marine mammals and their

habitat. The Estimated Take of Marine Mammals section includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The Negligible Impact

Analysis and Determination section considers the content of this section, the Estimated Take of Marine Mammals section, and the Proposed Mitigation section to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and whether those impacts are reasonably expected to, or reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

ONR has requested authorization to take marine mammals incidental to ARA in the Study Area. ONR analyzed potential impacts to marine mammals from acoustic sources in the application. Acoustic effects on marine mammals during the proposed activities can occur from active acoustics and icebreaking. The effects of underwater noise from ONR's proposed activities have the potential to result in take by Level B harassment of beluga whales and ringed seals in the Study Area.

#### *Potential Effects of Underwater Sound on Marine Mammals*

The marine soundscape is composed of both ambient and anthropogenic sounds. Ambient sound is defined as the all-encompassing sound in a given place and is usually a composite of sound from many sources both near and far (American National Standards Institute (ANSI), 1995). The sound level of an area is defined by the total acoustical energy being generated by known and unknown sources, which may include physical (e.g., waves, wind, precipitation, earthquakes, ice, atmospheric sound), biological (e.g., sounds produced by marine mammals, fish, and invertebrates), and anthropogenic sound (e.g., vessels, dredging, aircraft, construction).

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise “ambient” or “background” sound—depends not only on the source levels (as determined by current weather conditions and levels of biological and shipping activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor and is frequency dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.*, 1995). The result is that, depending on the source type and

its intensity, sound from the specified activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals.

Anthropogenic sounds cover a broad range of frequencies and sound levels and can have a range of highly variable impacts on marine life, from none or minor to potentially severe responses, depending on received levels, duration of exposure, behavioral context, and various other factors. The potential effects of underwater sound from active acoustic sources can possibly result in one or more of the following: temporary or permanent hearing impairment, other auditory injury, non-auditory physical or physiological effects, behavioral disturbance, stress, and masking (Richardson *et al.*, 1995; Gordon *et al.*, 2003; Götz *et al.*, 2009; Nowacek *et al.*, 2007; Southall *et al.*, 2007; Southall *et al.*, 2019; Erbe *et al.*, 2025). The degree of effect is intrinsically related to the signal characteristics, received level, distance from the source, and duration of the sound exposure. In general, sudden, high-level sounds can cause auditory injury, as can longer exposures to lower-level sounds. Temporary or permanent loss of hearing can occur after exposure to noise and occurs almost exclusively for noise within an animal's hearing range.

Richardson *et al.* (1995) described zones of increasing intensity of effect that might be expected to occur, in relation to distance from a source and assuming that the signal is within an animal's hearing range. First is the area within which the acoustic signal would be audible (potentially perceived) to the animal, but not strong enough to elicit any overt behavioral or physiological response. The next zone corresponds with the area where the signal is audible to the animal and of sufficient intensity to elicit behavioral or physiological responsiveness. Third is a zone within which, for signals of high intensity, the received level is sufficient to potentially cause discomfort or tissue damage to auditory systems. Overlaying these zones to a certain extent is the area within which masking (*i.e.*, when a sound interferes with or masks the ability of an animal to detect a signal of interest that is above the absolute hearing threshold) may occur; the masking zone may be highly variable in size (see Masking section).

Underwater sounds fall into one of two general sound types: impulsive and non-impulsive (defined in the following paragraphs). The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with

regard to hearing (e.g., Ward (1997) in Southall *et al.* (2007)). Please see Southall *et al.* (2007) for an in-depth discussion of these concepts.

Impulsive sound sources (e.g., explosions, gunshots, sonic booms, impact pile driving) produce signals that are brief (typically considered to be less than one second), broadband, atonal transients (ANSI, 1986; ANSI, 2005; Harris, 1998; National Institute for Occupational Safety and Health (NIOSH), 1998) and occur either as isolated events or repeated in some succession. Non-impulsive sounds can be tonal, narrowband, or broadband, brief or prolonged, and may be either continuous or non-continuous (ANSI, 1995; NIOSH, 1998). Some of these non-impulsive sounds can be transient signals of short duration but without the essential properties of pulses (e.g., rapid rise time). Examples of non-impulsive sounds include those produced by vessels, aircraft, machinery operations such as drilling or dredging, vibratory pile driving, and active acoustic sources (such as those proposed for use by ONR as part of the proposed activities).

The likely or possible impacts of ONR's proposed activity on marine mammals involve both non-acoustic and acoustic stressors. Potential non-acoustic stressors could result from the physical presence of vessels, equipment, and personnel (e.g., icebreaking impacts, vessel and in-water vehicle strike, and seafloor disturbance); however, any impacts to marine mammals are expected to primarily be acoustic in nature (e.g., non-impulsive acoustic sources, noise from icebreaking vessel (“icebreaking noise”), and vessel noise).

#### *Hearing Threshold Shift*

NMFS defines a noise-induced threshold shift (TS) as a change, usually an increase, in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2018; NMFS, 2024). The amount of TS is customarily expressed in dB. A TS can be permanent or temporary. As described in NMFS (2018) and NMFS (2024), there are numerous factors to consider when examining the consequence of TS, including, but not limited to, the signal temporal pattern (e.g., impulsive or non-impulsive), likelihood an individual would be exposed for a long enough duration or to a high enough level to induce a TS, the magnitude of the TS, time to recovery (seconds to minutes or hours to days), the frequency range of the exposure (*i.e.*, spectral content), the hearing frequency range of the exposed

species relative to the signal's frequency spectrum (*i.e.*, how animal uses sound within the frequency band of the signal) (*e.g.*, Kastelein *et al.*, 2014), and the overlap between the animal and the source (*e.g.*, spatial, temporal, and spectral).

#### Auditory Injury (AUD INJ) and Permanent Threshold Shift (PTS)

NMFS defines AUD INJ as damage to the inner ear that can result in destruction of tissue, such as the loss of cochlear neuron synapses or auditory neuropathy (Finneran, 2024; Houser, 2021). AUD INJ may or may not result in PTS, which NMFS defines as a permanent, irreversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2024). PTS does not generally affect more than a limited frequency range, and an animal that has incurred PTS has incurred some level of hearing loss at the relevant frequencies; typically, animals with PTS are not functionally deaf (Au and Hastings, 2008; Finneran, 2016). Available data from humans and other terrestrial mammals indicate that a 40-dB threshold shift approximates PTS onset (see Ahroon *et al.*, 1996; Henderson *et al.*, 2008; Kryter *et al.*, 1966; Miller, 1974; Ward, 1960; Ward *et al.*, 1958; Ward *et al.*, 1959). AUD INJ criteria for marine mammals are estimates; with the exception of a single study unintentionally inducing PTS in a harbor seal (*Phoca vitulina*) (Reichmuth *et al.*, 2019), there are no empirical data measuring PTS in marine mammals largely due to the fact that, for various ethical reasons, experiments involving anthropogenic noise exposure at levels inducing AUD INJ are not typically pursued or authorized (NMFS, 2024).

#### Temporary Threshold Shift (TTS)

TTS is a temporary, reversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2024), and is not considered an AUD INJ. Based on data from marine mammal TTS measurements (Southall *et al.*, 2007; Southall *et al.*, 2019), a TTS of 6 dB is considered the minimum TTS clearly larger than any day-to-day or session-to-session variation in a subject's normal hearing ability (Finneran *et al.*, 2000; Finneran *et al.*, 2002; Schlundt *et al.*, 2000). As described in Finneran (2015), marine mammal studies have shown the amount of TTS increases with cumulative sound exposure level ( $SEL_{24h}$ ) in an accelerating fashion: at

low exposures with lower  $SEL_{24h}$ , the amount of TTS is typically small and the growth curves have shallow slopes. At exposures with higher  $SEL_{24h}$ , the growth curves become steeper and approach linear relationships with the noise SEL.

Marine mammal hearing plays a critical role in communication with conspecifics and in interpretation of environmental cues for purposes such as predator avoidance and prey capture. Depending on the degree (elevation of threshold in dB), duration (*i.e.*, recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious (similar to those discussed in the Masking section). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that takes place during a time where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts if it were in the same frequency band as the necessary vocalizations and of a severity that impeded communication. The fact that animals exposed to high levels of sound that would be expected to result in this physiological response would also be expected to have behavioral responses of a comparatively more severe or sustained nature is potentially more significant than the simple existence of a TTS. However, it is important to note that TTS could occur due to longer exposures to sound at lower levels so that a behavioral response may not be elicited.

Depending on the degree and frequency range, the effects of AUD INJ on an animal could also range in severity, although it is considered generally more serious than TTS because it is a permanent condition (Reichmuth *et al.*, 2019). Of note, reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.*, 2007), so we can infer that strategies exist for coping with this condition to some degree, though likely not without some cost to the animal.

Many studies have examined noise-induced hearing loss in marine mammals (see Finneran (2015), Southall *et al.* (2019), and NMFS (2024) for summaries). TTS is the mildest form of hearing impairment that can occur during exposure to sound. While

experiencing TTS, the hearing threshold rises, and a sound must be at a higher level in order to be heard. In terrestrial and marine mammals, TTS can last from minutes or hours to days (in cases of more severe TTS). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends. For cetaceans, published data on the onset of TTS are limited to captive bottlenose dolphin (*Tursiops truncatus*), beluga whale, harbor porpoise (*Phocoena phocoena*), and Yangtze finless porpoise (*Neophocoena asiaticaorientalis*) (Southall *et al.*, 2019). For pinnipeds in water, measurements of TTS are limited to harbor seals, elephant seals (*Mirounga angustirostris*), bearded seals, and California sea lions (*Zalophus californianus*) (Kastak *et al.*, 2007; Kastelein *et al.*, 2019a; Kastelein *et al.*, 2019c; Kastelein *et al.*, 2021; Kastelein *et al.*, 2022a; Kastelein *et al.*, 2022b; Reichmuth *et al.*, 2019; Sills *et al.*, 2020). TTS was not observed in spotted and ringed seals exposed to single airgun impulse sounds at levels matching previous predictions of TTS onset (Reichmuth *et al.*, 2016). These studies examine hearing thresholds measured in marine mammals before and after exposure to intense or long-duration sound exposures. The difference between the pre-exposure and post-exposure thresholds can be used to determine the amount of threshold shift at various post-exposure times.

The amount and onset of TTS depends on the exposure frequency. Sounds at low frequencies, well below the region of best sensitivity for a species or hearing group, are less hazardous than those at higher frequencies, near the region of best sensitivity (Finneran and Schlundt, 2013). At low frequencies, onset-TTS exposure levels are higher compared to those in the region of best sensitivity (*i.e.*, a low frequency noise would need to be louder to cause TTS onset when TTS exposure level is higher), as shown for harbor porpoises and harbor seals (Kastelein *et al.*, 2019a; Kastelein *et al.*, 2019b). Note that in general, harbor seals and harbor porpoises have a lower TTS onset than other measured pinniped or cetacean species (Finneran, 2015; Southall *et al.*, 2019). In addition, TTS can accumulate across multiple exposures, but the resulting TTS will be less than the TTS from a single, continuous exposure with the same  $SEL_{24h}$  (Finneran *et al.*, 2010; Kastelein *et al.*, 2014; Mooney *et al.*, 2009). This means that TTS predictions based on the total, cumulative  $SEL_{24h}$  will overestimate the amount of TTS from

intermittent exposures, such as sonars and impulsive sources. Nachtigall *et al.* (2018) describe measurements of hearing sensitivity of multiple odontocete species (bottlenose dolphin, harbor porpoise, beluga, and false killer whale (*Pseudorca crassidens*)) when a relatively loud sound was preceded by a warning sound. These captive animals were shown to reduce hearing sensitivity when warned of an impending intense sound. Based on these experimental observations of captive animals, the authors suggest that wild animals may dampen their hearing during prolonged exposures or if conditioned to anticipate intense sounds. Another study showed that echolocating animals (including odontocetes) might have anatomical specializations that might allow for conditioned hearing reduction and filtering of low-frequency ambient noise, including increased stiffness and control of middle ear structures and placement of inner ear structures (Ketten *et al.*, 2021). Data available on noise-induced hearing loss for mysticetes are currently lacking. Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species.

Relationships between TTS and AUD INJ thresholds have not been studied in marine mammals, and there are no PTS data for cetaceans, but such relationships are assumed to be similar to those in humans and other terrestrial mammals. AUD INJ typically occurs at exposure levels at least several decibels above that inducing mild TTS (*e.g.*, a 40-dB threshold shift approximates PTS onset (Kryter *et al.*, 1966; Miller, 1974), while a 6-dB threshold shift approximates TTS onset (Southall *et al.*, 2007; Southall *et al.*, 2019)). Based on data from terrestrial mammals, a precautionary assumption is that the AUD INJ thresholds for impulsive sounds (such as impact pile driving) are at least 6 dB higher than the TTS threshold on a peak sound pressure level basis and AUD INJ SEL<sub>24h</sub> thresholds are 15 to 20 dB higher than TTS SEL<sub>24h</sub> thresholds (Southall *et al.*, 2007; Southall *et al.*, 2019). Given the higher level of sound or longer exposure duration necessary to cause AUD INJ as compared with TTS, it is considerably less likely that AUD INJ could occur.

#### Behavioral Responses

Exposure to noise also has the potential to behaviorally disturb marine mammals to a level that qualifies as harassment under the MMPA. Behavioral responses to sound are highly variable and context-specific

(Nowacek *et al.*, 2007; Southall *et al.*, 2007; Southall *et al.*, 2019). Many different variables can influence an animal's perception of and response to (nature and magnitude) an acoustic event. An animal's prior experience with a sound or sound source affects whether it is less likely (habituation, self-mitigation) or more likely (sensitization) to respond to certain sounds in the future (animals can also be innately predisposed to respond to certain sounds in certain ways) (Finneran, 2018; Finneran *et al.*, 2024; Nachtigall and Supin, 2013; Nachtigall and Supin, 2014; Nachtigall and Supin, 2015; Nachtigall *et al.*, 2016a; Nachtigall *et al.*, 2016b; Southall *et al.*, 2007; Southall *et al.*, 2016). Related to the sound itself, the perceived proximity of the sound, bearing of the sound (approaching vs. retreating), the similarity of a sound to biologically relevant sounds in the animal's environment (*i.e.*, calls of predators, prey, or conspecifics), familiarity of the sound, and navigational constraints may affect the way an animal responds to the sound (DeRuiter *et al.*, 2013a; Ellison *et al.*, 2012; Southall *et al.*, 2007; Southall *et al.*, 2021; Wartzok *et al.*, 2003). Individuals (of different age, gender, reproductive status, *etc.*) among most populations will have variable hearing capabilities, and differing behavioral sensitivities to sounds that will be affected by prior conditioning, experience, and current activities of those individuals. Southall *et al.* (2007) and Southall *et al.* (2021) have developed and subsequently refined methods developed to categorize and assess the severity of acute behavioral responses, considering impacts to individuals that may consequently impact populations. Often, specific acoustic features of the sound and contextual variables (*i.e.*, proximity, duration, or recurrence of the sound or the current behavior that the marine mammal is engaged in or its prior experience), as well as entirely separate factors such as the physical presence of a nearby vessel, may be more relevant to the animal's response than the received level alone.

Studies by DeRuiter *et al.* (2013a) indicate that variability of responses to acoustic stimuli depends not only on the species receiving the sound and the sound source, but also on the social, behavioral, or environmental contexts of exposure. Another study by DeRuiter *et al.* (2013b) examined behavioral responses of goose-beaked whales to MF sonar and found that whales responded strongly at low received levels (89–127 dB re 1  $\mu$ Pa) by ceasing normal fluking

and echolocation, swimming rapidly away, and extending both dive duration and subsequent non-foraging intervals when the sound source was 3.4–9.5 km away. Importantly, this study also showed that whales exposed to a similar range of received levels (78–106 dB re 1  $\mu$ Pa) from distant sonar exercises 118 km away did not elicit such responses, suggesting that context may moderate responses.

Ellison *et al.* (2012) outlined an approach to assessing the effects of sound on marine mammals that incorporates contextual-based factors. The authors recommend considering not just the received level of sound, but also the activity the animal is engaged in at the time the sound is received, the nature and novelty of the sound (*i.e.*, whether this is a new sound from the animal's perspective), and the distance between the sound source and the animal. They submit that this “exposure context,” as described, greatly influences the type of behavioral response exhibited by the animal. Forney *et al.* (2017) also point out that an apparent lack of response (*e.g.*, no displacement or avoidance of a sound source) may not necessarily mean there is no cost to the individual or population, as some resources or habitats may be of such high value that animals may choose to stay, even when experiencing stress or hearing loss. Forney *et al.* (2017) recommend considering both the costs of remaining in an area of noise exposure such as TTS, PTS, or masking, which could lead to an increased risk of predation or other threats or a decreased capability to forage, and the costs of displacement, including potential increased risk of vessel strike, increased risks of predation or competition for resources, or decreased habitat suitability for foraging, resting, or socializing. This sort of contextual information is challenging to predict with accuracy for ongoing activities that occur over large spatial and temporal expanses.

Friedlaender *et al.* (2016) provided the first integration of direct measures of prey distribution and density variables incorporated into across-individual analyses of behavior responses of blue whales to sonar and demonstrated a five-fold increase in the ability to quantify variability in blue whale diving behavior. These results illustrate that responses evaluated without such measurements for foraging animals may be misleading, which again illustrates the context-dependent nature of the probability of response.

Exposure of marine mammals to sound sources can result in, but is not limited to, no response or any of the

following observable responses: increased alertness; orientation or attraction to a sound source; vocal modifications; cessation of feeding; cessation of social interaction; alteration of movement or diving behavior; habitat abandonment (temporary or permanent); and, in severe cases, panic, flight, stampede, or stranding, potentially resulting in death (Southall *et al.*, 2007). A review of marine mammal responses to anthropogenic sound was first conducted by Richardson *et al.* (1995). More recent reviews (Nowacek *et al.*, 2007; DeRuiter *et al.*, 2013a; DeRuiter *et al.*, 2013b; Ellison *et al.*, 2012; Gomez *et al.*, 2016) address studies conducted since 1995 and focused on observations where the received sound level of the exposed marine mammal(s) was known or could be estimated. Gomez *et al.* (2016) conducted a review of the literature considering the contextual information of exposure in addition to received level and found that higher received levels were not always associated with more severe behavioral responses and vice versa. Southall *et al.* (2016) states that results demonstrate that some individuals of different species display clear yet varied responses, some of which have negative implications, while others appear to tolerate high levels, and that responses may not be fully predictable with simple acoustic exposure metrics (*e.g.*, received sound level). Rather, the authors state that differences among species and individuals along with contextual aspects of exposure (*e.g.*, behavioral state) appear to affect response probability (Southall *et al.*, 2019). The following parts provide examples of behavioral responses to stressors that provide an idea of the variability in responses that would be expected given the differential sensitivities of marine mammal species to sound and the wide range of potential acoustic sources to which a marine mammal may be exposed. Behavioral responses that could occur for a given sound exposure should be determined from the literature that is available for each species or extrapolated from closely related species when no information exists, along with contextual factors.

For non-impulsive sounds (*i.e.*, similar to the sources used during the proposed specified activity), data suggest that exposures of pinnipeds to received levels between 90 and 140 dB re 1  $\mu$ Pa do not elicit strong behavioral responses; no data were available for exposures at higher received levels for Southall *et al.* (2007) to include in the severity scale analysis. Reactions of

harbor seals were the only available data for which the responses could be ranked on the severity scale. For reactions that were recorded, the majority (17 of 18 individuals/groups) were ranked on the severity scale as a 4 (defined as moderate change in movement, brief shift in group distribution, or moderate change in vocal behavior) or lower; the remaining response was ranked as a 6 (defined as minor or moderate avoidance of the sound source). Additional data on hooded seals (*Cystophora cristata*) indicate avoidance responses to signals above 160–170 dB re 1  $\mu$ Pa (Kvadsheim *et al.*, 2010), and data on gray seals (*Halichoerus grypus*) and harbor seals indicate avoidance response at received levels of 135–144 dB re 1  $\mu$ Pa (Götz *et al.*, 2010). In each instance where food was available, which provided the seals motivation to remain near the source, habituation to the signals occurred rapidly. In the same study, it was noted that habituation was not apparent in wild seals where no food source was available (Götz *et al.*, 2010). This implies that the motivation of the animal is necessary to consider in determining the potential for a reaction. In one study that aimed to investigate the under-ice movements and sensory cues associated with under-ice navigation of ice seals, acoustic transmitters (60–69 kHz at 159 dB re 1  $\mu$ Pa at 1 m) were attached to ringed seals (Wartzok *et al.*, 1992a; Wartzok *et al.*, 1992b). An acoustic tracking system then was installed in the ice to receive the acoustic signals and provide real-time tracking of ice seal movements. Although the frequencies used in this study are at the upper limit of ringed seal hearing, the ringed seals appeared unaffected by the acoustic transmissions, as they were able to maintain normal behaviors (*e.g.*, finding breathing holes).

#### Responses Due to Icebreaking Noise

Ringed seals on pack ice showed various behaviors when approached by an icebreaking vessel. A majority of seals dove underwater when the ship was within 0.93 km while others remained on the ice. However, as icebreaking vessels came closer to the seals, most dove underwater. Ringed seals have also been observed foraging in the wake of an icebreaking vessel (Richardson *et al.*, 1995) and may have preferentially established breathing holes in the ship tracks after the icebreaker moved through the area. Previous observations and studies using icebreaking ships provide a greater understanding in how seal behavior may be affected by a vessel transiting through the area.

Adult ringed seals spend up to 20 percent of the time in subnivean lairs during the winter season (Kelly *et al.*, 2010). Ringed seal pups spend about 50 percent of their time in the lair during the nursing period (Lydersen and Hammill, 1993). During the warm season ringed seals haul out on the ice. In a study of ringed seal haul out activity by Born *et al.* (2002), ringed seals spent 25–57 percent of their time hauled out in June, which is during their molting season. Ringed seal lairs are typically used by individual seals (haulout lairs) or by a mother with a pup (birthing lairs); large lairs used by many seals for hauling out are rare (Smith and Stirling, 1975). If the non-impulsive acoustic transmissions are heard and are perceived as a threat, ringed seals within subnivean lairs could react to the sound in a similar fashion to their reaction to other threats, such as polar bears (their primary predators), although the type of sound would be novel to them. Responses of ringed seals to a variety of human-induced sounds (*e.g.*, helicopter noise, snowmobiles, dogs, people, and seismic activity) have been variable; some seals entered the water and some seals remained in the lair. However, in all instances in which observed seals departed lairs in response to noise disturbance, they subsequently reoccupied the lair (Kelly, 1988).

Ringed seal mothers have a strong bond with their pups and may physically move their pups from the birth lair to an alternate lair to avoid predation, sometimes risking their lives to defend their pups from potential predators. If a ringed seal mother perceives the proposed acoustic sources as a threat, the network of multiple birth and haulout lairs allows the mother and pup to move to a new lair (Smith and Stirling, 1975; Smith and Hammill, 1981). The acoustic sources proposed for use during this activity are not likely to impede a ringed seal from finding a breathing hole or lair, as captive seals have been found to primarily use vision to locate breathing holes and no effect to ringed seal vision would occur from the acoustic disturbance (Elsner *et al.*, 1989; Wartzok *et al.*, 1992). It is anticipated that a ringed seal would be able to relocate to a different breathing hole relatively easily without impacting their normal behavior patterns.

#### Masking

Sound can disrupt behavior through masking, or interfering with, an animal's ability to detect, recognize, interpret, or discriminate between acoustic signals of interest (*e.g.*, those used for intraspecific communication and social interactions,

prey detection, predator avoidance, or navigation) (Branstetter and Sills, 2022; Clark *et al.*, 2009; Erbe and Farmer, 2000; Erbe *et al.*, 2016; Richardson *et al.*, 1995; Tyack, 2000). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity and may occur whether the coincident sound is natural (*e.g.*, snapping shrimp, wind, waves, precipitation) or anthropogenic (*e.g.*, shipping, sonar, seismic exploration) in origin.

The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (*e.g.*, signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal's hearing abilities (*e.g.*, sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age, or TTS hearing loss), and existing ambient noise and propagation conditions. Masking these acoustic signals can disturb the behavior of individual animals, groups of animals, or entire populations. Masking can lead to behavioral changes including vocal changes (*e.g.*, Lombard effect, increasing amplitude, or changing frequency), cessation of foraging, and leaving an area, to both signalers and receivers, in an attempt to compensate for noise levels (Erbe *et al.*, 2016).

Most research on auditory masking is focused on energetic masking, or the ability of the receiver (*i.e.*, listener) to detect a signal in noise. However, from a fitness perspective, both signal detection and signal interpretation are necessary for success. This type of masking is called informational masking and occurs when a signal is detected by an animal but the meaning of that signal has been lost. Few data exist on informational masking in marine mammals but studies have shown that some recognition of predator cues might be missed by species that are preyed upon by killer whales if killer whale vocalizations are masked (Curé *et al.*, 2015; Curé *et al.*, 2016; Deecke *et al.*, 2002; Isojunno *et al.*, 2016; Visser *et al.*, 2016). von Benda-Beckmann *et al.* (2021) modeled the effect of pulsed and continuous active sonars on sperm whale (*Physeter macrocephalus*) echolocation and found that sonar sounds could reduce the ability of sperm whales to find prey under certain conditions.

Under certain circumstances, marine mammals experiencing significant masking could also be impaired from maximizing their performance fitness in

survival and reproduction. Therefore, when the coincident (*i.e.*, masking) sound is human-made, it may be considered harassment when disrupting natural behavioral patterns to the point where the behavior is abandoned or significantly altered. It is important to distinguish TTS and PTS, which persist after the sound exposure, from masking, which only occurs during the sound exposure. Because masking (without resulting in TS) is not associated with abnormal physiological function, it is not considered a physiological effect, but rather a potential behavioral effect (though not necessarily one that would be associated with harassment).

The frequency range of the potentially masking sound is important in determining any potential behavioral impacts. For example, low-frequency signals may have less effect on high-frequency echolocation sounds produced by odontocetes but are more likely to affect detection of mysticete communication calls and other potentially important natural sounds such as those produced by surf and some prey species. The masking of communication signals by anthropogenic noise may be considered as a reduction in the communication space of animals (*e.g.*, Clark *et al.*, 2009; Matthews *et al.*, 2016) and may result in energetic or other costs as animals change their vocalization behavior (*e.g.*, Di Iorio and Clark, 2010; Foote *et al.*, 2004; Holt *et al.*, 2009; Miller *et al.*, 2000; Parks *et al.*, 2007). Masking can be reduced in situations where the signal and noise come from different directions (Richardson *et al.*, 1995), through amplitude modulation of the signal, or through other compensatory behaviors (Houser and Moore, 2014). Masking can be tested directly in captive species, but in wild populations it must be either modeled or inferred from evidence of masking compensation. There are few studies addressing real-world masking sounds likely to be experienced by marine mammals in the wild (*e.g.*, Branstetter *et al.*, 2024; Branstetter and Sills, 2022; Cholewiak *et al.*, 2018).

Marine mammals within or near the Study Area may be exposed to anthropogenic noise which may be a source of masking. Vocalization changes may result from a need to compete with an increase in background noise and include increasing the source level, modifying the frequency, increasing the call repetition rate of vocalizations, or ceasing to vocalize in the presence of increased noise (Hotchkiss and Parks, 2013). For example, in response to loud noise, beluga whales may shift the frequency of their echolocation clicks to

prevent masking by anthropogenic noise (Eickmeier and Vallarta, 2023).

Masking is more likely to occur in the presence of broadband, relatively continuous noise sources such as vibratory pile driving. Energy distribution of pile driving covers a broad frequency spectrum, and sound from pile driving would be within the audible range of pinnipeds and cetaceans present in the Study Area. While icebreaking during ONR's proposed activity may mask some acoustic signals that are relevant to the daily behavior of marine mammals, the short-term duration (up to 8 days) and limited areas affected make it very unlikely that the fitness of individual marine mammals would be impacted.

#### Stress Response

Physiological stress is a natural and adaptive process that helps an animal survive changing conditions. When an animal perceives a potential threat, whether or not the stimulus actually poses a threat, a stress response is triggered (Moberg, 2000; Sapolsky, 2005; Selye, 1950). Once an animal's central nervous system perceives a threat, it mounts a biological response or defense that consists of a combination of behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses.

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and distress is the biotic cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose serious fitness consequences. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other biotic functions. For example, when a stress response diverts energy away from growth in young animals, those animals may experience stunted growth. When a stress response diverts energy from a fetus, an animal's reproductive success and its fitness will suffer. In these cases, the animals will have entered a pre-pathological or pathological state which is called "distress" (Selye, 1950) or "allostatic loading" (McEwen and Wingfield, 2003). This pathological state of distress will last until the animal replenishes its energetic reserves sufficiently to restore normal function.

According to Moberg (2000), in the case of many stressors, an animal's first and sometimes most economical (in

terms of biotic costs) response is behavioral avoidance of the potential stressor or avoidance of continued exposure to a stressor. An animal's second line of defense to stressors involves the sympathetic part of the autonomic nervous system and the classical "fight or flight" response, which includes the cardiovascular system, the gastrointestinal system, the exocrine glands, and the adrenal medulla to produce changes in heart rate, blood pressure, and gastrointestinal activity that humans commonly associate with "stress." These responses have a relatively short duration and may or may not have significant long-term effect on an animal's welfare.

An animal's third line of defense to stressors involves its neuroendocrine systems or sympathetic nervous systems; the system that has received the most study has been the hypothalamus-pituitary-adrenal (HPA) system (also known as the HPA axis in mammals or the hypothalamus-pituitary-interrenal axis in fish and some reptiles). Unlike stress responses associated with the autonomic nervous system, virtually all neuro-endocrine functions that are affected by stress, including immune competence, reproduction, metabolism, and behavior, are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction (Moberg, 1987; Rivier and Rivest, 1991), altered metabolism (Elsasser *et al.*, 2000), reduced immune competence (Blecha, 2000), and behavioral disturbance (Blecha, 2000; Moberg, 1987). Increases in the circulation of glucocorticosteroids (cortisol, corticosterone, and aldosterone in marine mammals; see Romano *et al.* (2004)) have been equated with stress for many years.

Marine mammals naturally experience stressors within their environment and as part of their life histories. Changing weather and ocean conditions, exposure to disease and naturally occurring toxins, lack of prey availability, and interactions with predators all contribute to the stress a marine mammal experiences (Atkinson *et al.*, 2015). Breeding cycles, periods of fasting, social interactions with members of the same species, and molting (for pinnipeds) are also stressors, although they are natural components of an animal's life history. Anthropogenic activities have the potential to provide additional stressors beyond those that occur naturally (*e.g.*, fishery interactions, pollution, tourism, ocean noise) (Fair *et al.*, 2014; Meissner *et al.*, 2015; Rolland *et al.*, 2012).

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses are well-studied through controlled experiments for both laboratory and free-ranging animals (*e.g.*, Holberton *et al.*, 1996; Hood *et al.*, 1998; Jessop *et al.*, 2003; Krausman *et al.*, 2004; Lankford *et al.*, 2005; Reneerkens *et al.*, 2002; Thompson and Hamer, 2000). Relatively little information exists on the linkage between anthropogenic sound exposure and stress in marine mammals, and even less information exists on the ultimate consequences of sound-induced stress responses (either acute or chronic). The ability to make predictions from stress hormones about impacts on individuals and populations exposed to various forms of natural and anthropogenic stressors relies on understanding the linkages between changes in stress hormones and resulting physiological impacts. Currently, the sound characteristics that correlate with specific stress responses in marine mammals are poorly understood, as are the ultimate consequences of these changes. Several research efforts have improved the understanding of, and the ability to predict, how stressors ultimately affect marine mammal populations (*e.g.*, King *et al.*, 2015; New *et al.*, 2013; Pirota *et al.*, 2015; Pirota *et al.*, 2022). This includes determining how and to what degree various types of anthropogenic sound cause stress in marine mammals and understanding what factors may mitigate those physiological stress responses. Factors potentially affecting an animal's response to a stressor include life history, sex, age, reproductive status, overall physiological and behavioral adaptability, and whether they are naïve or experienced with the sound (*e.g.*, prior experience with a stressor may result in a reduced response due to habituation) (Finneran and Branstetter, 2013; St. Aubin and Dierauf, 2001). Because there are many unknowns regarding the occurrence of acoustically induced stress responses in marine mammals, any physiological response (*e.g.*, hearing loss or injury) or significant behavioral response is assumed to be associated with a stress response. Any animal experiencing TTS would likely also experience stress responses, however, distress is an unlikely result of the proposed activity based on observations of marine mammals during previous, similar projects in the region.

### *Potential Effects on Marine Mammal Habitat*

ONR's proposed activities could have localized, temporary impacts on marine mammal habitat, including prey, by increasing in-water SPLs. Increased noise levels may affect acoustic habitat and adversely affect marine mammal prey within the Study Area.

### *Potential Effects on Prey*

Marine mammal species in the Study Area feed on marine invertebrates and fish. Although most species of marine invertebrates are found within the benthic zone, they can be found in all zones (sympagic (within the sea ice), pelagic (open ocean), or benthic (bottom dwelling)) of the Beaufort Sea (Josefson *et al.*, 2013). The diverse range of species include oysters, crabs, worms, ghost shrimp, snails, sponges, sea fans, isopods, and stony corals (Chess, 1997; Dugan *et al.*, 2000; Proctor, 1981).

Hearing capabilities of invertebrates are largely unknown (Lovell *et al.*, 2005; Popper and Schilt, 2008). Outside of studies conducted to test the sensitivity of invertebrates to vibrations, very little is known about the effects of anthropogenic underwater noise on invertebrates (Edmonds *et al.*, 2016). While data are limited, research suggests that some of the major cephalopods and decapods may have limited hearing capabilities (Hanlon, 1987; Offutt, 1970) and may hear only low-frequency (less than 1 kHz) sources (Offutt, 1970), which is most likely within the frequency band of biological signals (Hill, 2009). Acoustic signals produced by crustaceans range from low frequency rumbles (20–60 Hz) to high frequency signals (20–55 kHz) (Henninger and Watson III, 2005; Patek and Caldwell, 2006; Staaterman *et al.*, 2011). Aquatic invertebrates that can sense local water movements with ciliated cells include cnidarians, flatworms, segmented worms, urochordates (tunicates), mollusks, and arthropods (Budelmann, 1992a; Budelmann, 1992b; Popper *et al.*, 2001). Some aquatic invertebrates have specialized organs called statocysts for determination of equilibrium and, in some cases, linear or angular acceleration. Statocysts allow an animal to sense movement and may enable some species, such as cephalopods and crustaceans, to be sensitive to water particle movements associated with sound (Goodall *et al.*, 1990; Hu *et al.*, 2009; Kaifu *et al.*, 2008; Montgomery *et al.*, 2006; Popper *et al.*, 2001; Roberts and Breithaupt, 2016; Salmon, 1971). Because any acoustic sensory capabilities, if present at all, are limited

to detecting water motion, and water particle motion near a sound source falls off rapidly with distance, aquatic invertebrates are probably limited to detecting nearby sound sources rather than sound caused by pressure waves from distant sources.

Studies of sound energy effects on invertebrates are few and identify only behavioral responses. Non-auditory injury, AUD INJ, TTS, and masking studies have not been conducted for invertebrates. Both behavioral and auditory brainstem response studies suggest that crustaceans may sense frequencies up to 3 kHz, but best sensitivity is likely below 200 Hz (Goodall *et al.*, 1990; Lovell *et al.*, 2005; Lovell *et al.*, 2006). Most cephalopods likely sense low-frequency sound below 1 kHz, with best sensitivities at lower frequencies (Budelmann, 2010; Mooney *et al.*, 2010; Offutt, 1970). A few cephalopods may sense higher frequencies up to 1,500 Hz (Hu *et al.*, 2009).

Although acoustic sources used during the proposed activities may briefly impact individuals, intermittent exposures to non-impulsive acoustic sources are not expected to impact survival, growth, recruitment, or reproduction of widespread marine invertebrate populations.

The fish species located in the Study Area include those that are closely associated with the deep ocean habitat of the Beaufort Sea. Nearly 250 marine fish species have been described in the Arctic, excluding the larger parts of the sub-Arctic Bering, Barents, and Norwegian Seas (Mecklenburg *et al.*, 2011). However, only about 30 are known to occur in the Arctic waters of the Beaufort Sea (Christiansen and Reist, 2013). Largely because of the difficulty of sampling in remote, ice-covered seas, many high-Arctic fish species are known only from rare or geographically patchy records (Mecklenburg *et al.*, 2011). Aquatic systems of the Arctic undergo extended seasonal periods of ice cover and other harsh environmental conditions. Fish inhabiting such systems must be biologically and ecologically adapted to surviving such conditions. Important environmental factors that Arctic fish must contend with include reduced light, seasonal darkness, ice cover, low biodiversity, and low seasonal productivity.

All fish have two sensory systems to detect sound in the water: the inner ear, which functions very much like the inner ear in other vertebrates, and the lateral line, which consists of a series of receptors along the fish's body (Popper and Fay, 2010; Popper *et al.*, 2014). The

inner ear generally detects relatively higher-frequency sounds, while the lateral line detects water motion at low frequencies (below a few hundred Hz) (Hastings and Popper, 2005). Lateral line receptors respond to the relative motion between the body surface and surrounding water; this relative motion; however, only takes place very close to sound sources, and most fish are unable to detect this motion at more than one to two body lengths distance away (Popper *et al.*, 2014). Although hearing capability data only exist for fewer than 100 of the approximately 32,000 fish species known to exist, current data suggest that most species of fish detect sounds from 50 to 1,000 Hz, with few fish hearing sounds above 4 kHz (Popper, 2008). It is believed that most fish have their best hearing sensitivity from 100 to 400 Hz (Popper, 2003). Permanent hearing loss has not been documented in fish. A study by Halvorsen *et al.* (2012) found that for temporary hearing loss or similar negative impacts to occur, the noise needed to be within the fish's individual hearing frequency range; external factors, such as developmental history of the fish or environmental factors, may result in differing impacts to sound exposure in fish of the same species. The sensory hair cells of the inner ear in fish can regenerate after they are damaged, unlike in mammals where sensory hair cells loss is permanent (Lombarte *et al.*, 1993; Smith *et al.*, 2006). As a consequence, any hearing loss in fish may be as temporary as the timeframe required to repair or replace the sensory cells that were damaged or destroyed (Smith *et al.*, 2006), and no permanent loss of hearing in fish would result from exposure to sound.

Fish species in the Study Area are expected to hear the low-frequency sources associated with the proposed activities, but most are not expected to detect sound from the mid-frequency sounds. These effects are expected to be transient, and long-term consequences for the population are not expected. Human-generated sound could alter the behavior of a fish in a manner that would affect its way of living, such as where it tries to locate food or how well it can locate a potential mate; behavioral responses to loud noise could include a startle response, such as the fish swimming away from the source, the fish "freezing" and staying in place, or scattering (Popper, 2003). Auditory masking could also interfere with a fish's ability to hear biologically relevant sounds, inhibiting the ability to detect both predators and prey, and

impacting schooling, mating, and navigating (Popper, 2003). If an individual fish encounters low-frequency acoustic transmissions and is able to perceive the transmissions, they are expected to exhibit short-term behavioral reactions, when initially exposed to acoustic transmissions, which would not significantly alter breeding, foraging, or populations. Overall effects to fish from active acoustic sources would be localized, temporary, and infrequent.

#### Potential Effects on Physical and Foraging Habitat

Ringed seals haul out on pack ice during the spring and summer to molt (Reeves *et al.*, 2002; Born *et al.*, 2002). Acoustic transmissions also would have no structural impact to subnivean lairs in the ice. Furthermore, since ice dampens acoustic transmissions (Richardson *et al.*, 1995), the level of sound energy that reaches the interior of a subnivean lair would be less than that ensonifying water under surrounding ice. Some studies suggested that ringed seals might preferentially establish breathing holes in ship tracks after vessels move through the area (Alliston, 1980; Alliston, 1981). The amount of ice habitat disturbed by activities is small relative to the amount of overall habitat available and there will be no permanent or longer-term loss or modification of physical ice habitat used by ringed seals. Vessel movement would have minimal effect on physical beluga habitat as beluga habitat is solely within the water column. Furthermore, the deployed acoustic sources that would remain in use after the vessels have left the Study Area have low duty cycles and lower source levels, and any impacts to the acoustic habitat of marine mammals would be minimal. For these reasons, it is unlikely that ONR's acoustic activities in the Study Area would have any effect on marine mammal habitat.

#### Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes proposed for authorization through the IHA, which will inform NMFS' consideration of the negligible impact determinations and impacts on subsistence uses.

Harassment is the only type of take expected to result from these activities. For this military readiness activity, the MMPA defines "harassment" as: (i) Any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) Any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the

wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where the behavioral patterns are abandoned or significantly altered (Level B harassment).

Authorized takes would be by Level B harassment only, in the form of behavioral reactions and/or TTS for individual marine mammals resulting from exposure to active acoustic sources and noise from icebreaking. Based on the nature of the activity, Level A harassment is neither anticipated nor proposed to be authorized.

As described previously, no serious injury or mortality is anticipated or proposed to be authorized for this activity. Below we describe how the proposed take numbers are estimated.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic criteria above which NMFS believes there is some reasonable potential for marine mammals to be behaviorally harassed or incur some degree of AUD INJ; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (e.g., previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the proposed take estimates.

#### Acoustic Criteria

NMFS recommends the use of acoustic criteria that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur AUD INJ of some degree (equated to Level A harassment). We note that the criteria for AUD INJ, as well as the names of two hearing groups, were updated in 2024 (NMFS, 2024) as reflected below in the Level A Harassment section.

#### Level B Harassment

Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed by varying degrees by other factors related to the source or exposure context (e.g., frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the

environment (e.g., bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (e.g., Southall *et al.*, 2007; Southall *et al.*, 2021; Ellison *et al.*, 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-square sound pressure levels (RMS SPL) of 120 dB re 1  $\mu$ Pa for continuous (e.g., vibratory pile driving, drilling, icebreaking) and above RMS SPL 160 dB re 1  $\mu$ Pa for non-explosive impulsive (e.g., seismic airguns) or intermittent (e.g., scientific sonar) sources. Generally speaking, Level B harassment take estimates based on these behavioral harassment thresholds are expected to include any likely takes by TTS as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

In coordination with NMFS, the Navy developed behavioral criteria to support environmental analyses for the Navy's training and testing activities utilizing active tactical sonar sources. These behavioral harassment thresholds are used herein to evaluate the potential effects of the active acoustic components of the proposed activities. As with other sound sources, exposure to sonar is difficult to predict and is dependent on received level and other factors such as exposure context, the environment, and characteristics of the receiving animal.

The Navy updated its behavioral criteria for tactical sonar in 2025 (U.S. Department of the Navy, 2025) for Phase IV of its at-sea training and testing environmental compliance. However, ONR relied upon the Phase III criteria and thresholds (U.S. Department of the Navy, 2017) for the analysis of active acoustic sources in its application. (Note that it applied the 120 dB re 1  $\mu$ Pa threshold for icebreaking.) The Phase IV behavioral response function (BRF)

analyses differ from Phase III due to the addition of new data and the separation of some species groups. Figure 10 in the Phase IV Criteria and Thresholds Technical Report (U.S. Department of the Navy, 2025) indicates the changes in BRFs from Phase III to Phase IV, and NMFS has summarized the odontocete and pinniped changes here. The Phase IV odontocete BRF is less sensitive overall due to additional behavioral response research (e.g., the 50 percent point of BRF increased by 11 dB from Phase III to Phase IV). Relying upon the Phase III BRF results in a higher number of behavioral responses than relying on the Phase IV BRF for the same event, and it also suggests higher avoidance of auditory effects. The Phase IV pinniped (in-water) BRF is more sensitive due to the inclusion of additional captive pinniped data (only three behavioral studies using captive pinnipeds were available for the derivation of the BRF) (e.g., the 50 percent of the BRF decreased by 10 dB from Phase III to Phase IV). Behavioral studies of captive animals can be difficult to extrapolate to wild animals due to several factors (e.g., use of trained subjects). With captive studies, behavioral responses are often correlated with received level, but other factors that may also contribute to responses (i.e., exposure context, the environment, and characteristics of the receiving animal) typically cannot be as well controlled or accounted for. While studies using captive animals may provide greater control over certain aspects of noise exposure scenarios and observations, Southall *et al.* (2021) derived separate behavioral severity scales to address the fundamental differences between studies involving captive versus free-ranging animals (e.g., severity scale for captive marine mammals, unlike for wild marine mammals, does not account for fitness-related consequences to survival, foraging, and reproduction, since population-level effects in captive studies are less measurable and relevant). This means the Phase IV pinniped BRF likely overestimates effects compared to observed responses of wild pinnipeds to sound and anthropogenic activity. Therefore, while Phase IV BRFs are available, NMFS concurs that use of the Phase III BRFs adequately estimates the potential impacts to marine mammals from acoustic sources.

The Navy's tactical sonar BRFs are not applicable to icebreaking and, therefore, NMFS proposes to adopt ONR's approach of using the 120 dB re 1  $\mu$ Pa threshold to estimate take of all marine

mammals by Level B harassment from icebreaking.

For beluga whale, the ONR's take analysis applies cutoff distances, beyond which the potential of significant behavioral responses (and therefore Level B harassment) is considered to be unlikely (table 5). These cutoff distances are consistent with the Phase III cutoffs and include different cutoff distances for fixed sources (10 km) and moving/drifted sources (20 km). Fixed sources are treated as individual sources in ONR's

modeling given that the distance between them is significantly greater than the range to which environmental effects could occur, while some of the on-site drifting sources could come closer together. The Phase IV criteria estimate a 15 km cutoff for odontocetes for both fixed and moving sources. Therefore, the cutoff distance applied herein for fixed sources would result in a lower take estimate for beluga whales in comparison to application of the Phase IV cutoffs, while the cutoff

distances for drifting sources would result in a higher beluga whale take estimate compared to Phase IV cutoffs. The estimated distance to the Level B harassment isopleth associated with icebreaking noise is under 5 km for beluga whales and a cutoff distance was not applied. ONR also did not apply cutoff distances to ringed seal Level B harassment estimates for any source given the methodology used to estimate take (described below), and NMFS concurs they are not warranted.

TABLE 5—CUTOFF DISTANCES AND ACOUSTIC THRESHOLDS IDENTIFYING THE ONSET OF BEHAVIORAL DISTURBANCE, AND TTS FOR SOURCES BY SPECIES

| Hearing group             | Species            | Acoustic sources                                               |                                                                   |                                                  | Icebreaking              |                       |
|---------------------------|--------------------|----------------------------------------------------------------|-------------------------------------------------------------------|--------------------------------------------------|--------------------------|-----------------------|
|                           |                    | Fixed source behavioral threshold cutoff distance <sup>a</sup> | Drifting source behavioral threshold cutoff distance <sup>a</sup> | Behavioral threshold                             | Range to TTS             | Behavioral threshold  |
| High-frequency cetaceans. | Beluga whale ..... | 10 km .....                                                    | 20 km .....                                                       | Phase III Odontocete BRF dose-response function. | <15 m <sup>b</sup> ..... | 120 dB re 1 $\mu$ Pa. |
| Phocidae (in water) ..... | Ringed seal .....  | N/A .....                                                      | N/A .....                                                         | Phase III Pinniped BRF dose-response function.   | <15 m .....              | 120 dB re 1 $\mu$ Pa. |

**Note:** The threshold values provided assume the source is within the animal's best hearing sensitivity (U.S. Department of the Navy, 2017). The exact threshold varies based on the overlap of the source and the frequency weighting (see figure 6–1 in application).

<sup>a</sup> Take is not estimated to occur beyond the relevant cutoff distance, regardless of the received level.

<sup>b</sup> Beluga whale takes by TTS were estimated using the threshold of 178 dB SEL<sub>24h</sub> but the Navy has since updated the onset TTS threshold to 181 dB SEL<sub>24h</sub>.

#### Level A Harassment

NMFS' Updated Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 3.0) (2024 Updated Technical Guidance) (NMFS, 2024) identifies dual criteria to assess AUD INJ (Level A harassment) to five different underwater marine mammal groups (based on hearing sensitivity) as

a result of exposure to noise from two different types of sources (impulsive or non-impulsive). ONR's proposed activity only includes the use of non-impulsive (active acoustic and icebreaking) sources.

The 2024 Updated Technical Guidance criteria include both updated thresholds and updated weighting functions for each hearing group. The

thresholds are provided in the table below. The references, analysis, and methodology used in the development of the criteria are described in NMFS' 2024 Updated Technical Guidance, which may be accessed at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance-other-acoustic-tools>.

TABLE 6—THRESHOLDS IDENTIFYING THE ONSET OF AUD INJ  
[NMFS, 2024]

| Hearing group                            | AUD INJ onset acoustic thresholds* (received level) |
|------------------------------------------|-----------------------------------------------------|
|                                          | Non-impulsive                                       |
| High-Frequency (HF) Cetaceans .....      | Cell 4: $L_{E,HF,24h}$ : 201 dB.                    |
| Phocid Pinnipeds (PW) (Underwater) ..... | Cell 8: $L_{E,PW,24h}$ : 195 dB.                    |

\* Dual metric criteria for impulsive sounds: Use whichever criteria results in the larger isopleth for calculating AUD INJ onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level criteria associated with impulsive sounds, the PK SPL criteria are recommended for consideration for non-impulsive sources.

**Note:** Peak sound pressure level ( $L_{p,O-PK}$ ) has a reference value of 1  $\mu$ Pa, and weighted cumulative sound exposure level ( $L_{E,p}$ ) has a reference value of 1  $\mu$ Pa<sup>2</sup>s. In this table, criteria are abbreviated to be more reflective of International Organization for Standardization standards (International Organization for Standardization (ISO), 2017). The subscript "flat" is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals underwater (i.e., 7 Hz to 165 kHz). The subscript associated with cumulative sound exposure level criteria indicates the designated marine mammal auditory weighting function (LF, HF, and VHF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level criteria could be exceeded in a multitude of ways (i.e., varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these criteria will be exceeded.

To compare NMFS (2024) weighting functions and TTS/AUD INJ SEL

thresholds to NMFS (2018), which were used to predict TTS and AUD INJ in

previous ARA IHAs (83 FR 48799, September 27, 2018; 84 FR 50007,

September 24, 2019; 85 FR 53333, August 28, 2020; 86 FR 54931, October 5, 2021; 87 FR 57458, September 20, 2022; 88 FR 65657, September 18, 2023; 89 FR 77089, September 20, 2024; 90 FR 43178, September 14, 2025)), both the weighting function shape and the weighted threshold values were considered; the thresholds (table 6) by themselves indicate the TTS/AUD INJ threshold at only the most susceptible frequency (based on the relevant weighting function).

The most significant differences between NMFS (2018) criteria used in this and previous ARA analyses and NMFS (2024) criteria that are applicable to beluga whales and ringed seals are: (1) for the HF group (formerly MF group in NMFS (2018)), NMFS (2024) onset TTS/AUD INJ thresholds overall are 3 dB higher compared to NMFS (2018) but the NMFS (2024) weighting function indicates increased susceptibility to noise-induced hearing loss at frequencies below approximately 10 kHz, compared to NMFS (2018) which is a result of new TTS onset data for dolphins at low frequencies (Finneran *et al.*, 2023); and (2) for the PCW group, new TTS data for harbor seals (Kastelein *et al.*, 2020a; Kastelein *et al.*, 2020b) resulted in overall 6 dB lower TTS/AUD INJ thresholds for NMFS (2024), with the NMFS (2024) weighting function only resulting in slight changes compared to NMFS (2018).

#### *Marine Mammal Occurrence and Take Estimation*

In this section we provide information about the occurrence of marine mammals, including density or other relevant information which will inform the take calculations. We also describe how the information provided above is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and proposed for authorization.

The Navy performed a quantitative analysis to estimate the number of marine mammals likely to be exposed to underwater acoustic transmissions above the previously described threshold criteria during the proposed activity.

#### *Beluga Whales*

ONR employed a sophisticated model known as the Navy Acoustic Effects Model (NAEMO) to assess the estimated impacts of underwater sound and estimate take of beluga whales.

Inputs to the quantitative analysis included beluga whale density estimates obtained from the Kaschner *et al.* (2006) habitat suitability model and Cañadas *et al.* (2020), depth occurrence (U.S.

Department of the Navy, 2017b), oceanographic and mammal hearing data, and criteria and thresholds for levels of potential effects. The quantitative analysis consists of computer modeled estimates and a post-model analysis to determine the number of potential animal exposures. The model calculates sound energy propagation from the proposed sources, the sound received by animat (virtual animal) dosimeters representing marine mammals distributed in the area around the modeled activity, and whether the sound received by animats exceeds the thresholds for effects.

The Navy developed a set of software tools and compiled data for estimating acoustic effects on marine mammals without consideration of behavioral avoidance or mitigation. These tools and data sets serve as integral components of NAEMO. In NAEMO, animats are distributed non-uniformly based on species-specific density, depth distribution, and group size information and animats record energy received at their location in the water column. A fully three-dimensional environment is used for calculating sound propagation and animat exposure in NAEMO. Site-specific bathymetry, sound speed profiles, wind speed, and bottom properties are incorporated into the propagation modeling process. NAEMO calculates the likely propagation for various levels of energy (sound or pressure) resulting from each source used during the event.

NAEMO then records the energy received by each animat within the energy footprint of the event and calculates the number of animats having received levels of energy exposures that fall within defined impact thresholds. Predicted effects on the animats within a scenario are then tallied and the highest order effect (based on severity of criteria) predicted for a given animat is assumed. Each scenario, or each 24-hour period for scenarios lasting greater than 24 hours is independent of all others, and therefore, the same individual marine mammal (as represented by an animat in the model environment) could be impacted during each independent scenario or 24-hour period. In few instances, although the activities themselves all occur within the proposed study location, sound may propagate beyond the boundary of the Study Area. Any exposures occurring outside the boundary of the Study Area are counted as if they occurred within the Study Area boundary. NAEMO provides the initial estimated impacts on marine species with a static horizontal distribution (*i.e.*, animats in the model environment do not move

horizontally but do move vertically within the water column).

There are limitations to the data used in the acoustic effects model, and the results must be interpreted within this context. While the best available data and appropriate input assumptions have been used in the modeling, when there is a lack of definitive data to support an aspect of the modeling, conservative modeling assumptions have been chosen (*i.e.*, assumptions that may result in an overestimate of acoustic exposures):

- Animats are modeled as facing the source and therefore always predicted to receive the maximum potential sound level at a given location (*i.e.*, no porpoising or pinnipeds' heads above water);

- Animats do not move horizontally (but change their position vertically within the water column), which may overestimate physiological effects such as hearing loss, especially for slow moving or stationary sound sources in the model;

- Animats are stationary horizontally and therefore do not avoid the sound source, unlike in the wild where animals would most often avoid exposures at higher sound levels, especially those exposures that may result in AUD INJ (including PTS);

- Multiple exposures within any 24-hour period are accumulated as one continuous exposure for the purposes of calculating potential threshold shifts, because there are not sufficient data to estimate a hearing recovery function for the time between intermittent exposures; and

- Mitigation measures were not considered in the model. In reality, sound-producing activities would be reduced, stopped, or delayed if marine mammals are detected by visual monitoring.

Due to these inherent model limitations and simplifications, model-estimated results should be further analyzed, considering such factors as the range to specific effects, avoidance, and the likelihood of successfully implementing mitigation measures. This analysis uses a number of factors in addition to the acoustic model results to predict acoustic effects on marine mammals.

The beluga whale density numbers utilized for quantitative acoustic modeling are from the Navy Marine Species Density Database (U.S. Department of the Navy, 2014), as more recent densities in the Arctic are not yet available. Where available (*i.e.*, June through 15 October over the continental shelf primarily), ONR used density estimates from Duke density modeling

based upon line-transect surveys (Cañadas *et al.*, 2020). The remaining seasons and geographic area were based on the habitat-based modeling by Kaschner (2004) and Kaschner *et al.* (2006). Beluga whale density in the Study Area varies geographically and monthly, with densities during September ranging from 0.000506 to 0.5176 animals/km<sup>2</sup> and densities during the cold season ranging from 0.002277 to 0.009109 animals/km<sup>2</sup>. Because density estimates for beluga whales were not distinguished by stock in the Arctic (Kaschner, 2004; Kaschner *et al.*, 2006), ONR utilized the density range for the month of September (the month the first research cruise is proposed to begin in Year 9) and assumed the density of each stock is the same (0.000506 to 0.5176 animals/km<sup>2</sup>). The ranges of the Beaufort Sea stock and Eastern Chukchi Sea stock of beluga whales vary within the Study Area throughout the year (Hauser *et al.*, 2014). Based upon the limited information available regarding the expected spatial distributions of each stock within the Study Area, NMFS has assumed all takes of beluga whale could occur to either stock. In addition, in NAEMO, animals do not move horizontally or react in any way to avoid sound, therefore, the current model may overestimate non-impulsive acoustic impacts.

ONR reported sightings of beluga whales during previous years of ARA, though all sightings have occurred during transit and outside of icebreaking and research activities (*i.e.*, AUV recovery and deployment, mooring recovery and deployment).

#### Active Acoustic Sources

The model-estimated take by Level B harassment from active acoustic sources is listed in table 8. Of note, the Phase IV BRF for the odontocete behavioral group shows that the 50 percent probability of response is at a higher received level (168 dB re 1 uPa) than in Phase III (157 dB re 1 uPa), thus, application of the Phase IV BRF would have resulted in a lower number of estimated takes by Level B harassment than what ONR modeled and NMFS is proposing to authorize.

Modeling did not predict, and ONR did not request, take by Level A harassment. While beluga whale take was modeled using NMFS (2018) and the NMFS (2024) onset TTS/AUD INJ thresholds are overall 3 dB higher with the updated weighting function indicating greater susceptibility to noise-induced hearing loss at frequencies below approximately 10 kHz, NMFS does not anticipate that application of

NMFS (2024) would have resulted in take by Level A harassment either, given that the acoustic sources are continuous with a low duty cycle and relatively short ping duration (4–30 seconds). Therefore, NMFS concurs and is not proposing to authorize take of beluga whale by Level A harassment from active acoustic sources.

#### Icebreaking

Since ice conditions cannot be predicted more than a few weeks in advance, ONR cannot predict whether icebreaking would be needed to deploy or retrieve the sources after 1 year of transmitting. Therefore, ONR analyzed the potential for an icebreaking cruise on CGC HEALY in its application to avoid underestimating potential impacts. As the R/V Sikuliaq is not capable of icebreaking, noise created by icebreaking is only modeled for the CGC HEALY. ONR assumed icebreaking would occur for 8 days and used NAEMO modeling to estimate takes of beluga whales associated from icebreaking activities using the density range 0.000506 to 0.5176 animals/km<sup>2</sup>.

Roth *et al.* (2013) characterized the underwater radiated noise signature for icebreaking in the central Arctic Ocean by CGC HEALY during different types of ice-cover. The radiated noise signatures were characterized for various fractions of ice cover. ONR used the 8/10 and 3/10 ice cover for modeling. Each modeled day of icebreaking consisted of 16 hours of 8/10 ice cover and 8 hours of 3/10 ice cover. The sound signature of the 5/10 icebreaking activities, which would correspond to half-power icebreaking, was not reported in Roth *et al.* (2013); therefore, ONR used the full-power signature as a proxy for the half-power signature.

Figures 5a and 5b in Roth *et al.* (2013) depict the source spectrum level versus frequency for 8/10 and 3/10 ice cover, respectively. The sound signature of each of the ice coverage levels was broken into single-octave bins (table 7). In the model, each bin was included as a separate source on the modeled vessel. When these independent sources are active concurrently, they simulate the sound signature of CGC HEALY. The modeled broadband source level summed across these bins was 196.2 dB for the 8/10 signature and 189.3 dB for the 3/10 ice signature. These modeled broadband source levels are a good approximation of the icebreaker's observed source level (provided in figure 4b of Roth *et al.* (2013)). Each frequency and source level was modeled as an independent source and applied simultaneously to all of the animals within NAEMO. Each second was

summed across frequency to estimate the RMS SPL. Any animal exposed to sound levels greater than 120 dB was considered taken by Level B harassment. For AUD INJ (including PTS) and TTS determinations, sound exposure levels were summed over the duration of the test and the transit to the deep water deployment area.

TABLE 7—MODELED BINS FOR 8/10 ICE COVERAGE (FULL POWER) AND 3/10 ICE COVERAGE (QUARTER POWER) ICEBREAKING ON CGC HEALY

| Frequency (Hz) | 8/10 source level (dB) | 3/10 source level (dB) |
|----------------|------------------------|------------------------|
| 25 .....       | 189                    | 187                    |
| 50 .....       | 188                    | 182                    |
| 100 .....      | 189                    | 179                    |
| 200 .....      | 190                    | 177                    |
| 400 .....      | 188                    | 175                    |
| 800 .....      | 183                    | 170                    |
| 1,600 .....    | 177                    | 166                    |
| 3,200 .....    | 176                    | 171                    |
| 6,400 .....    | 172                    | 168                    |
| 12,800 .....   | 167                    | 164                    |

Table 8 shows the takes by Level B harassment that NMFS proposes to authorize for both beluga whale stocks. Take by Level A harassment from icebreaking activities is neither anticipated nor proposed for authorization for either stock. Modeling for all previous years of ARA icebreaking activities did not result in any estimated take by Level A harassment of marine mammals. Given the proposed icebreaking activities have not changed, and that icebreaking is a continuous noise source, neither ONR nor NMFS expect the icebreaking activities during Year 9 would result in Level A harassment of beluga whales, even if the Phase IV criteria had been applied. Therefore, Level A harassment is neither anticipated nor proposed for authorization.

#### Ringed Seals

The most recent density estimates for ringed seals are based on the habitat suitability modeling by Kaschner (2004) and Kaschner *et al.* (2006). Given the lack of recent density estimates for the Study Area to estimate impacts from active acoustic sources, ONR, and subsequently NMFS, relied, in part, upon historical sightings registered in the Ocean Biodiversity Information System Spatial Ecological Analysis of Megavertebrate Populations (OBIS-SEAMAP) database (Halpin *et al.*, 2009) in the Study Area. Of these sightings, nearly all (99 percent) occurred in

summer and fall seasons. However, it is unclear whether this is because ringed seals move out of the Study Area during the cold season, or if the lack of sightings is due to the harsh environment and ringed seal behavior being prohibitive factors for cold season surveying.

OBIS-SEAMAP reports 542 animals sighted over 150 records in the Study Area across all years and seasons. The average of 542 animals in 150 records (approximately 3.6 animals per record) aligns with survey data from previous ARA cruises that show up to three ringed seals (or small, unidentified pinnipeds assumed to be ringed seals) sighted per day in the Study Area. To account for potential unsighted animals, ONR rounded that number up to 4. Assuming that four animals would be present in the Study Area, ONR estimated a rough density using the overall Study Area size:

$$4 \text{ ringed seals} \div 48,725 \text{ km}^2 = 0.00008209 \text{ ringed seals/km}^2$$

ONR reported sightings of ringed seals during previous years of ARA, though most sightings have occurred during transit and outside of icebreaking and research activities (*i.e.*, AUV recovery and deployment, mooring recovery and deployment). ONR reported that during all previous years of ARA, the only mitigations enacted during research activities (with active acoustic source use) that required the source to be shut down were during: (1) deployment of a REMUS UUV in Year 4; and (2) deployment of an AMOS mooring in Year 4 (both shutdowns due to presence of a seal). Other mitigations to halt activities have occurred during icebreaking and research activities in previous ARA but no shutdowns of

active acoustic sources have been required outside of those in Year 4.

Active Acoustic Sources

The Level B harassment zone surrounding each moored active acoustic source would be 78.5 km<sup>2</sup>, and the Level B harassment zone surrounding each drifting active acoustic source would be 314 km<sup>2</sup>. The total Level B harassment zone area from acoustic sources on any given day would be 1,099 km<sup>2</sup>. Using that area, and the density calculated above, ONR estimates the number of ringed seals that could be taken daily:

$$0.00008209 \text{ ringed seals/km}^2 \times 1,099 \text{ km}^2 = 0.09 \text{ ringed seals/day}$$

ONR assumed that one ringed seal would be exposed to acoustic transmissions above the threshold for Level B harassment, and that each would be exposed each day of the proposed activity (365 days total). Although there are two additional acoustic sources proposed for use during Year 9, the number of daily takes of ringed seals is still expected to be less than one (rounded up to one per day). Therefore, NMFS anticipates 365 takes by Level B harassment of ringed seal from active acoustic sources (table 8).

This take estimation method used here does not support ONR or NMFS differentiating takes by Level B harassment between direct behavioral disturbance and TTS; however, NMFS does not anticipate TTS of ringed seals from active acoustic sources. Since potentially impactful source levels from acoustic sources would not exceed 185 dB by system design limits, sound exposure levels would remain relatively low. Accounting for source level, spherical spreading, and a 30-sec pulse

length (table 1), a ringed seal would need to be in very close range of a single ping of an acoustic source to risk exposure at or above the TTS threshold, an unlikely scenario given the low density of ringed seals in the Study Area. Given the exceedingly low potential for TTS, AUD INJ is not anticipated either. Therefore, ONR did not request, and NMFS is not proposing to authorize, take of ringed seal by Level A harassment from active acoustic sources.

Icebreaking

For icebreaking activities, NMFS assumes that each ringed seal in the Study Area could be taken by Level B harassment on each day of icebreaking. Therefore, NMFS is proposing to authorize 32 takes by Level B harassment (4 animals  $\times$  8 days) of ringed seal from icebreaking activities. Table 8 shows the takes by Level B harassment that NMFS proposes to authorize for ringed seal.

Take by Level A harassment from icebreaking activities is neither anticipated nor proposed for authorization. Modeling for all previous years of ARA icebreaking activities did not result in any estimated take by Level A harassment of marine mammals. Given the proposed icebreaking activities have not changed, and that icebreaking is a continuous noise source, neither ONR nor NMFS expect the icebreaking activities during Year 9 would result in Level A harassment, even if the Phase IV criteria had been applied. Therefore, Level A harassment of ringed seals from icebreaking is neither anticipated nor proposed for authorization.

TABLE 8—PROPOSED TAKE BY LEVEL B HARASSMENT

| Species            | Stock              | Active acoustics | Icebreaking | Total proposed take | SAR abundance              | Percentage of population |
|--------------------|--------------------|------------------|-------------|---------------------|----------------------------|--------------------------|
| Beluga whale ..... | Beaufort Sea ..... | 177              | 21          | 198                 | 39,258                     | <1                       |
|                    | Chukchi Sea .....  |                  |             |                     | 13,305                     | 1.5                      |
| Ringed seal .....  | Arctic .....       | 365              | 32          | 397                 | UND <sup>a</sup> (171,418) | <1                       |

NOTE: Acoustic and icebreaking exposures to beluga whales were not modeled at the stock level as the density value is not distinguished by stock in the Arctic for beluga whales (U.S. Department of the Navy, 2014). Estimated take of beluga whales due to active acoustics is 177 and 21 due to icebreaking activities, totaling 198 takes of beluga whales. The total proposed take of beluga whales was applied to each stock.

<sup>a</sup>A reliable population estimate for the entire Arctic stock of ringed seals is not available and NMFS SAR lists it as Undetermined (UND). Using a sub-sample of data collected from the U.S. portion of the Bering Sea (Conn *et al.*, 2014), an abundance estimate of 171,418 ringed seals has been calculated but this estimate does not account for availability bias due to seals in the water or in the shore-fast ice zone at the time of the survey. The actual number of ringed seals in the U.S. portion of the Bering Sea is likely much higher. Using the minimum population size ( $N_{min}$  = 158,507) based upon this negatively biased population estimate, the PBR is calculated to be 4,755 seals, although this is also a negatively biased estimate.

Proposed Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of

taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular

attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses.

NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)). The 2004 NDAA amended the MMPA as it relates to military readiness activities and the incidental take authorization process such that “least practicable impact” shall include consideration of personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat, as well as subsistence uses. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which

may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

The mitigation requirements described in the following were proposed by ONR in its adequate and complete application or are the result of subsequent coordination between NMFS and ONR. ONR has agreed that all of the mitigation measures are practicable. NMFS has fully reviewed the specified activity and the mitigation measures to determine if the mitigation measures would result in the least practicable adverse impact on marine mammals and their habitat, as required by the MMPA, and has determined the proposed measures are appropriate. NMFS describes these below as proposed mitigation requirements, and has included them in the proposed IHA.

The following measures are proposed for this IHA:

- All vessels operated by or for the Navy must have personnel assigned to stand watch at all times while underway. Watch personnel must employ visual search techniques using binoculars. While underway and while using active acoustic sources/towed in-water devices, at least one person with access to binoculars is required to be on watch at all times.

- Vessel captains and vessel personnel must remain alert at all times, proceed with extreme caution, and operate at a safe speed so that the vessel can take proper and effective action to avoid vessel strike of marine mammals.

- During moored and drifting acoustic source deployment and recovery, ONR must implement a mitigation zone of 55 m around the deployed source. Deployment and recovery must cease if a marine mammal is visually detected within the mitigation zone. Deployment and recovery may recommence if any one of the following conditions are met:

- A watch stander observes the animal is observed exiting the mitigation zone;
- A watch stander concludes that the animal has exited the mitigation zone based on its observed course, speed, and movement relative to the mitigation zone; and
- A watch stander affirms the mitigation zone has been clear from any additional sightings for a period of 15 minutes for pinnipeds and 30 minutes for cetaceans.

- Vessels must avoid approaching marine mammals head-on and must maneuver to maintain a mitigation zone of 457 m around all observed cetaceans and 183 m around all other observed marine mammals, provided it is safe to do so.

- Activities must cease if a marine mammal species for which take was not authorized, or a species for which authorization was granted but the authorized number of takes have been met, is observed approaching or within the mitigation zone (table 9). Activities must not resume until the animal is confirmed to have left the area.

- Vessel captains must maintain at-sea communication with subsistence hunters to avoid conflict of vessel transit with hunting activity.

TABLE 9—PROPOSED MITIGATION ZONES

| Activity and/or effort type                               | Species            | Mitigation zone (m) |
|-----------------------------------------------------------|--------------------|---------------------|
| Acoustic source deployment and recovery, stationary ..... | Beluga whale ..... | 55                  |
| Acoustic source deployment and recovery, stationary ..... | Ringed seal .....  | 55                  |
| Transit .....                                             | Beluga whale ..... | 457                 |
| Transit .....                                             | Ringed seal .....  | 183                 |

NMFS conducted an independent evaluation of the proposed measures, and has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, areas of similar significance, and on the availability of such species or stock for subsistence uses.

### Proposed Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge

of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.*, presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.*, source characterization, propagation, ambient noise); (2) affected species (*e.g.*, life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure (*e.g.*, age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.*, marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

The monitoring and reporting requirements described in the following were proposed by ONR in its adequate and complete application or are the result of subsequent coordination between NMFS and ONR. ONR has agreed to the requirements. NMFS describes these below as requirements and has included them in the proposed IHA.

The initial structure for the U.S. Navy's marine species monitoring efforts was developed in 2009 with the Integrated Comprehensive Monitoring Program (ICMP). The intent of the ICMP was to provide an overarching framework for coordination of the Navy's monitoring efforts during the early years of the program's establishment. A Strategic Planning Process (U.S. Department of the Navy, 2013) was subsequently developed and together with the ICMP framework serves as a planning tool to focus marine species monitoring priorities defined by ESA and MMPA requirements, and to coordinate monitoring efforts across regions based on a set of common objectives. Using an underlying conceptual framework incorporating a progression of knowledge from occurrence to exposure/response, and

ultimately consequences, the Strategic Planning Process was developed as a tool to help guide the investment of resources to address top level objectives and goals of the monitoring program most efficiently. The Strategic Planning Process identifies Intermediate Scientific Objectives (see <https://www.navy-marine-species-monitoring.us/about/strategic-planning-process/>), which form the basis of evaluating, prioritizing, and selecting new monitoring projects or investment topics and serve as the basis for developing and executing new monitoring projects across the Navy's training and testing ranges (both Atlantic and Pacific).

A Research and Monitoring Summit was held in early 2023 to evaluate the current state of the Marine Species Monitoring Program in terms of progress, objectives, priorities, and needs, and to solicit valuable input from meeting participants including NMFS, Marine Mammal Commission, Navy, and scientific experts. The overarching goal of the summit was to facilitate updating the ICMP framework for guiding marine species research and monitoring investments, and to identify data gaps and priorities to be addressed over the next 5–10 years across a range of basic research through applied monitoring. One of the outcomes of this summit meeting is a refreshed strategic framework effectively replacing the ICMP which will provide increased coordination and synergy across the Navy's protected marine species investment programs. This will contribute to the collective goal of supporting improved assessment of effects from training and testing activities through development of first in class science and data.

Navy marine species monitoring is generally focused on Navy training and testing ranges where the majority of Navy activities occur regularly as those areas have the greatest potential for being impacted. ONR's ARA are comparatively less intensive with little human activity in the Arctic. Human presence is limited to the deployment of sources that would take place over several weeks. Additionally, due to the location and nature of the testing, vessels and personnel would not be within the Study Area for an extended period of time. As such, more extensive monitoring requirements beyond the collection of basic information during source deployment would not be feasible as it would require additional personnel and equipment in the Arctic during a period of time beyond what is planned for source deployment;

however, ONR will conduct monitoring when personnel are at sea for source deployment or retrieval, as described below.

Marine mammal monitoring must be conducted in accordance with the Navy's strategic monitoring framework and the proposed IHA:

- While underway, all vessels must have at least one person trained through the U.S. Navy Marine Species Awareness Training Program on watch during all activities;
- Watch personnel must use standardized data collection forms, whether hard copy or electronic. Watch personnel must distinguish between sightings that occur during transit or during deployment or recovery of acoustic sources. Data must be recorded on all days of activities, even if marine mammals are not sighted;
- At minimum, the following information must be recorded: vessel name; watch personnel names and affiliation; effort type (*i.e.*, transit, deployment, recovery); and environmental conditions (at the beginning of watch stander shift and whenever conditions change significantly), including Beaufort Sea State (BSS) and any other relevant weather conditions, including cloud cover, fog, sun glare, and overall visibility to the horizon.
- Upon visual observation of any marine mammal, the following information must be recorded: date/time of sighting; identification of animal (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified) and the composition of the group if there is a mix of species; location (latitude/longitude) of sighting; estimated number of animals (high/low/best); description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars or markings, shape and size of dorsal fin, shape of head, and blow characteristics); detailed behavior observations (*e.g.*, number of blows/breaths, number of surfaces, breaching, spyhopping, diving, feeding, traveling; as explicit and detailed as possible; length of time observed in the mitigation zone, note any observed changes in behavior); distance from vessel to animal; direction of animal's travel relative to the vessel; platform activity at time of sighting (*i.e.*, transit, deployment, recovery); and weather conditions (*i.e.*, BSS, cloud cover).
- During icebreaking, the following information must be recorded: start and end time of icebreaking; and ice cover conditions.

- During deployment and recovery of acoustic sources or UUVs, visual observation must begin 30 minutes prior to deployment or recovery and continue through 30 minutes following the source deployment or recovery.

- ONR must submit its draft report(s) on all monitoring conducted under the IHA within 90 calendar days of the completion of monitoring or 60 calendar days prior to the requested issuance of any subsequent IHA for research activities at the same location, whichever comes first. A final report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report. If no comments are received from NMFS within 30 calendar days of receipt of the draft report, the report shall be considered final.

- The marine mammal report, at minimum, must include: dates and times (begin and end) of all marine mammal monitoring; acoustic source use or icebreaking; watch stander location(s) during marine mammal monitoring; environmental conditions during monitoring periods (at beginning and end of watch standing shift and whenever conditions change significantly), including BSS and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance; number of shutdowns during monitoring, if any; marine mammal sightings (including the marine mammal's location (latitude/longitude)); number of individuals of each species observed during source deployment, operation, and recovery; and detailed information about implementation of any mitigation (e.g., shutdowns, delays), a description of specific actions that ensued, and resulting changes in behavior of the animal(s), if any.

- Upon observation of a marine mammal, the following information: name of watch stander who sighted the animal(s), the watch stander location, and activity at time of sighting; time of sighting; identification of the animal(s) (e.g., genus/species, lowest possible taxonomic level, or unidentified), watch stander confidence in identification, and the composition of the group if there is a mix of species; distance and location of each observed marine mammal relative to the acoustic source or icebreaking for each sighting; estimated number of animals (min/max/best estimate); estimated number of animals by cohort (adults, juveniles, neonates, group composition, etc.); animal's closest point of approach and estimated time spent within the harassment zone; and description of any

marine mammal behavioral observations (e.g., observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (e.g., no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching).

- ONR must submit all watch stander data electronically in a format that can be queried, such as a spreadsheet or database (i.e., digital images of data sheets are not sufficient).

- Reporting injured or dead marine mammals:

- In the event that personnel involved in the specified activity discover an injured or dead marine mammal, ONR must report the incident to the Office of Protected Resources (OPR), NMFS

([PR.ITP.MonitoringReports@noaa.gov](mailto:PR.ITP.MonitoringReports@noaa.gov) and [ITP.clevenstine@noaa.gov](mailto:ITP.clevenstine@noaa.gov)) and to the Alaska regional stranding network (877-925-7773) as soon as feasible. If the death or injury was clearly caused by the specified activity, ONR must immediately cease the activities until NMFS OPR is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of this IHA. ONR must not resume their activities until notified by NMFS.

- The report must include the following information: time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable); species identification (if known) or description of the animal(s) involved; condition of the animal(s) (including carcass condition if the animal is dead); observed behaviors of the animal(s), if alive; if available, photographs or video footage of the animal(s); and general circumstances under which the animal was discovered.

- In the event of a vessel strike of a marine mammal by any vessel involved in the activities covered by the authorization, ONR shall report the incident to OPR, NMFS and to the Alaska regional stranding coordinator as soon as feasible. The report must include the following information: time, date, and location (latitude/longitude) of the incident; species identification (if known) or description of the animal(s) involved; vessel's speed during and leading up to the incident; vessel's course/heading and what operations were being conducted (if applicable); status of all sound sources in use; description of avoidance measures/requirements that were in place at the time of the strike and what additional measures were taken, if any, to avoid

strike; environmental conditions (e.g., wind speed and direction, BSS, cloud cover, visibility) immediately preceding the strike; estimated size and length of animal that was struck; description of the behavior of the marine mammal immediately preceding and following the strike; if available, description of the presence and behavior of any other marine mammals immediately preceding the strike; estimated fate of the animal (e.g., dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared); and to the extent practicable, photographs or video footage of the animal(s).

### Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (i.e., population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be "taken" through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (e.g., intensity, duration), the context of any impacts or responses (e.g., critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (e.g., as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the discussion of our analysis applies to beluga whales and ringed seals, given that the anticipated effects of this activity on these species are expected to be similar. Where there are meaningful differences between species or stocks, or groups of species, in anticipated individual

responses to activities, impact of expected take on the population due to differences in population status, or impacts on habitat, they are described independently in the analysis below.

Underwater acoustic transmissions associated with the proposed ARA, as outlined previously, have the potential to result in Level B harassment of beluga seals and ringed seals in the form of behavioral disturbances. No serious injury, mortality, or Level A harassment are anticipated to result from these described activities. Effects on individual belugas or ringed seals taken by Level B harassment could include alteration of dive behavior and/or foraging behavior, effects to breathing rates, interference with or alteration of vocalization, avoidance, and flight. More severe behavioral responses are not anticipated due to the localized, intermittent use of active acoustic sources. Exposure duration is likely to be short-term and individuals will, most likely, simply be temporarily displaced by moving away from the acoustic source. Exposures are, therefore, unlikely to result in any significant realized decrease in fitness for affected individuals or adverse impacts to stocks as a whole.

The Study Area overlaps beluga whale migratory and feeding BIAs (Clarke *et al.*, 2023). Due to the small amount of overlap between the BIAs and the Study Area, as well as the low intensity and short-term duration of acoustic sources and required mitigation measures, we expect minimal impacts to migrating or feeding belugas. Shutdown zones are expected to minimize the severity of any Level B harassment. The requirements of trained dedicated watch personnel and speed restrictions will also reduce the likelihood of any vessel strikes to migrating belugas.

In all, the proposed activity is expected to have minimal adverse effects on marine mammal habitat. While the activities may cause some fish to leave the area of disturbance, temporarily impacting marine mammals' foraging opportunities, this would encompass a relatively small area of habitat leaving large areas of existing fish and marine mammal foraging habitat unaffected. As such, the impacts to marine mammal habitat are not expected to impact the health or fitness of any marine mammals.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No Level A harassment, serious injury, or mortality is anticipated or authorized;
  - Take would be limited to Level B harassment only;
  - Only temporary and relatively low-level behavioral disturbances are expected to result from the proposed activities; and
  - Impacts to marine mammal prey or habitat will be minimal and short term.
- Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

#### Unmitigable Adverse Impact Analysis and Determination

In order to issue an IHA, NMFS must find that the specified activity will not have an "unmitigable adverse impact" on the subsistence uses of the affected marine mammal species or stocks by Alaskan Natives. NMFS has defined "unmitigable adverse impact" in 50 CFR 216.103 as an impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

Subsistence hunting is important for many Alaska Native communities. A study of the North Slope villages of Nuiqsut, Kaktovik, and Utqiagvik identified the primary resources used for subsistence and the locations for harvest (Stephen R. Braund & Associates, 2010), including terrestrial mammals, birds, fish, and marine mammals (bowhead whale, ringed seal, bearded seal, and walrus). Ringed seals and beluga whales are likely located within the project area during this proposed activity, yet the proposed activity would not remove individuals from the population nor behaviorally disturb them in a manner that would affect their behavior more than 100 km farther inshore where subsistence hunting occurs. The proposed sources would be placed far outside of the range for subsistence hunting. The closest active acoustic source (fixed or drifting)

within the proposed project site that is likely to cause Level B harassment is approximately 204 km from land. This ensures a significant standoff distance from any subsistence hunting area. The closest distance to subsistence hunting (130 km) is well beyond the largest distance from the sound sources in use at which behavioral harassment would be expected to occur (20 km) described above. Furthermore, there is no reason to believe that any behavioral disturbance of beluga whales or ringed seals that occurs far offshore (we do not anticipate any Level A harassment) would affect their subsequent behavior in a manner that would interfere with subsistence uses should those animals later interact with hunters.

In addition, ONR has been communicating with the Native communities about the proposed activity. The ONR-sponsored chief scientist for AMOS has historically provided a briefing on ONR research for the upcoming year at the December Alaska Eskimo Whaling Commission (AEWC) meetings and is scheduled to present at the July 2026 meeting. The AEWC consists of representatives from 11 whaling villages (Wainwright, Utqiagvik, Savoonga, Point Lay, Nuiquit, Kivalina, Kaktovik, Wales, Point Hope, Little Diomed, and Gambell). These briefings have communicated the lack of any effect on subsistence hunting due to the distance of the sources from hunting areas. ONR-supported scientists also attend Arctic Waterways Safety Committee and AEWC meetings on a regular basis to discuss past, present, and future research activities. While no take is anticipated to result during transit, points of contact for at-sea communication will also be established between vessel captains and subsistence hunters to avoid any conflict of ship transit with hunting activity.

Based on the description of the specified activity, the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the proposed mitigation and monitoring measures, NMFS has preliminarily determined that there will not be an unmitigable adverse impact on subsistence uses from ONR's proposed activities.

#### Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensures that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of

designated critical habitat. To ensure ESA compliance for the issuance of incidental take authorizations, NMFS consults internally whenever we propose to authorize take for ESA-listed species, in this case with NMFS Alaska Regional Office (AKR).

There is one marine mammal species (Arctic stock of ringed seal) with confirmed occurrence in the Study Area that is listed as threatened under the ESA. The NMFS AKR issued a Biological Opinion on September 13, 2022, under section 7 of the ESA, on the issuance of an IHA to ONR under section 101(a)(5)(D) of the MMPA by the NMFS OPR. The Biological Opinion concluded that the action is not likely to jeopardize the continued existence of Arctic ringed seals, and is not likely to destroy or adversely modify Arctic ringed seal critical habitat.

### Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to ONR for conducting a ninth year of ARA in the Beaufort and Chukchi Seas from September 2026 through September 2027, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-military-readiness-activities>.

### Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this notice of proposed IHA for the proposed ARA. We also request comment on the potential renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for this IHA or a subsequent renewal IHA.

On a case-by-case basis, NMFS may issue a one-time, 1-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical activities as described in the Description of Proposed Activity section of this notice is planned or (2) the activities as described in the Description of Proposed Activity section of this notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).

- The request for renewal must include the following:

1. An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

2. A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: July 20, 2026.

**Kimberly Damon-Randall,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 2026–14816 Filed 7–21–26; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal No. 26–39]

### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense (DoD).

**ACTION:** Arms sales notice.

**SUMMARY:** The DoD (referred to herein as “the Department,” “Department of War” or “DoW”) is publishing the unclassified text of an arms sales notification.

### FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695–6233, [urooj.zahra.civ@mail.mil](mailto:urooj.zahra.civ@mail.mil), or [dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil](mailto:dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil).

**SUPPLEMENTARY INFORMATION:** This 36(b) arms sales notification is published to

fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of the attached Transmittal 26–39 and Policy Justification.

Dated: July 16, 2026.

**Stephanie J. Bost,**

*Alternate OSD Federal Register Liaison  
Officer, Department of Defense.*

Transmittal No. 26–39

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Vietnam

(ii) *Total Estimated Value:*

|                           |               |
|---------------------------|---------------|
| Major Defense Equipment * | \$ 0          |
| Other .....               | \$100 million |

|             |               |
|-------------|---------------|
| TOTAL ..... | \$100 million |
|-------------|---------------|

Funding Source: Foreign Military Financing

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

*Major Defense Equipment (MDE):*

None

*Non-Major Defense Equipment:*

The following non-MDE items will be included: engine propellers; aircraft components, parts, and accessories; ground handling equipment; spare parts, consumables and accessories, and repair and return support; training aids, devices, and spare parts; unclassified software; unclassified publications; studies and surveys; transportation support; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (VM–D–BAA)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* June 3, 2026

\* as defined in Section 47(6) of the Arms Export Control Act.

### POLICY JUSTIFICATION

*Vietnam—C–130 Sustainment*

The Government of Vietnam has requested to buy engine propellers; aircraft components, parts, and accessories; ground handling equipment; spare parts, consumables and accessories, and repair and return

support; training aids, devices, and spare parts; unclassified software; unclassified publications; studies and surveys; transportation support; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is \$100 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a key partner that is a force for political stability and economic progress in the Indo-Pacific region.

The proposed sale will improve Vietnam's capability to meet current and future threats by ensuring the operational readiness of its C-130 aircraft fleet. The aircraft provides strategic airlift capabilities that directly support U.S. and coalition operations around the world. Vietnam will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be RTX Corporation, located in Arlington, VA. At this time, the U.S. Government is not aware of any offset agreement proposed in connection with this potential sale. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Vietnam.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2026-14762 Filed 7-21-26; 8:45 am]  
BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 26-74]

Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense (DoD).  
**ACTION:** Arms sales notice.

**SUMMARY:** The DoD (referred to herein as "the Department," "Department of War" or "DoW") is publishing the unclassified text of an arms sales notification.

**FOR FURTHER INFORMATION CONTACT:**  
Urooj Zahra at (703) 695-6233,  
urooj.zahra.civ@mail.mil, or  
dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

**SUPPLEMENTARY INFORMATION:** This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of the attached Transmittal 26-74, Policy Justification, and Sensitivity of Technology.

Dated: July 16, 2026.

**Stephanie J. Bost,**  
Alternate OSD Federal Register Liaison  
Officer, Department of Defense.

Transmittal No. 26-74

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Kuwait

(ii) *Total Estimated Value:*

|                              |                       |
|------------------------------|-----------------------|
| Major Defense Equipment * .. | \$ 0                  |
| Other .....                  | \$1.98 billion        |
| <b>TOTAL .....</b>           | <b>\$1.98 billion</b> |

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

*Major Defense Equipment (MDE):*

None

*Non-MDE:*

The following non-MDE items will be included: counter-unmanned aerial systems platforms Roadrunner-Munition and Anvil-Kinetic; launch boxes; lattice command and control; Long-Range Sentry Tower with Fire Control; Long-Range Sentry Tower-82 Mobile; Extended Range Sentry Towers; Maritime Sentry Towers; pulsar electromagnetic warfare; menace tactical operations centers; generators; publications; personnel training; software development; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Implementing Agency:* Army (KU-B-ULR)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* June 5, 2026

\* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kuwait—Counter-Unmanned Aerial Systems Platforms

The Government of Kuwait has requested to buy counter-unmanned aerial systems platforms. The following non-major defense equipment items will be included: counter-unmanned aerial systems platforms Roadrunner-Munition and Anvil-Kinetic; launch boxes; lattice command and control; Long Range Sentry Tower with Fire Control; Long Range Sentry Tower-82 Mobile; Extended Range Sentry Towers; Maritime Sentry Towers; pulsar electromagnetic warfare; menace tactical operations centers; generators; publications; personnel training; software development; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is \$1.98 billion.

This proposed sale will support the foreign policy and national security objectives of the United States by improving the security of a major non-NATO ally that has been an important force for political stability and economic progress in the Middle East.

The proposed sale will improve Kuwait's capability to meet current and future threats by providing electronic and kinetic defeat capabilities against unmanned aerial systems. Kuwait will have no difficulty absorbing these articles and services into its military police forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Anduril, located in Costa Mesa, CA. At this time, the U.S. Government is not aware of any offset agreement proposed in connection with this potential sale. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Kuwait.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 26-74

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Roadrunner system is a twinjet, vertical takeoff and landing, high

explosive interceptor that is capable of subsonic flight to deliver hard kill effects on Group 3 (mid-sized) threat aircraft.

2. Pulsar is a counter multi-mission electromagnetic warfare system, capable of wide area coverage using networked Pulsar systems for autonomous spectrum monitoring, detection, tracking, and coordinated effects against small-unmanned aircraft systems (s-UAS) threats. It provides signal disruption and jamming of position, timing, navigation, command link, and video downlink signals to/from the ground control station.

3. The Long-Range Sentry Tower with Fire Control combines a fire control radar and Mid-Wave Infrared (MWIR) thermal optic on a continuous pan-tilt unit (PTU), providing sensor measurements enabling a single-track for a Roadrunner engagement to defeat s-UAS Groups 1–3 (small to mid-sized).

4. The Anvil-Kinetic (Anvil-K) is a kinetic, drone-on-drone engagement interceptor that utilizes a Millimeter Wave onboard radar for terminal guidance. It is cued by a Sentry Tower and does not require operator input for guidance. Anvil-K uses speed and a hardened fuselage to defeat Group 1 s-UAS at lower cost per engagement.

5. The Menace-I is a fully integrated, mobile command, control, communications, and computing solution. Menace is a complete roll-on/roll-off transportable, Intelligence Community Directive 705 compliant solution for processing up to classified information with a TEMPEST compliant computing rack. Menace is equipped with built-in Proliferated Low Earth Orbit, Geostationary Orbit, cellular, high-frequency, ultra-high frequency, very-high frequency, and Tactical Data Link communications. The system is self-sustaining with an onboard 60kW multi-fuel generator.

6. The Long-Range Sentry Tower 82 combines long-range radar, MWIR thermal optic on a continuous PTU, and a computer system with enclosure to enable detection of s-UAS Groups 1–3.

7. The Long-Range Sentry Tower-82 Mobile is a trailer mounted capability that combines a long-range radar, MWIR thermal optic on a continuous PTU, and provides sensor measurements enabling a single-track for a Roadrunner engagement to defeat s-UAS Groups 1–3.

8. Extended Range Sentry Tower combines solar-powered, MWIR thermal optic on a continuous PTU capable of autonomously detecting people and vehicles at ranges of over 10 km with no human intervention.

9. Maritime Sentry Tower combines solar-powered maritime radar with MWIR thermal optic on a continuous PTU capable of autonomous detection of maritime vessels at ranges of over 20 km with no human intervention.

10. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

11. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

12. A determination has been made that Kuwait can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

13. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Kuwait.

[FR Doc. 2026–14768 Filed 7–21–26; 8:45 am]

**BILLING CODE 6001–FR–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Personnel Demonstration Project at the United States Army Communications-Electronics Command Software Engineering Center Science and Technology Reinvention Laboratory (STRL)

**AGENCY:** Under Secretary of Defense for Research and Engineering (USD(R&E)), Department of Defense (DoD).

**ACTION:** Notice of proposal to adopt a STRL personnel management demonstration project plan and additional flexibilities.

**SUMMARY:** This **Federal Register** Notice (FRN) serves as notice of the proposed adoption of a new personnel demonstration project plan and flexibilities by the STRL comprised of the United States Army Communications-Electronics Command (CECOM) Software Engineering Center (SEC), a successor STRL of the CECOM STRL. The CECOM STRL and, subsequent to reorganization, its two successor organizations—the CECOM SEC STRL and the Combat Capabilities Development Command (DEVCOM) Command, Control, Communications,

Computers, Cyber, Intelligence, Surveillance, and Reconnaissance Center (C5ISR) STRL—have successfully implemented the personnel demonstration project plan since October 30, 2001. Because the successor STRLs operate under different commands and internal operating procedures, the CECOM SEC STRL proposes to independently adopt, with some modifications, a similar personnel demonstration project plan that is applicable only to the CECOM STRL.

**DATES:** This proposal may not be implemented until a 30-day comment period is provided, comments addressed, and a final **Federal Register** notice published. To be considered, written comments must be submitted on or before August 21, 2026.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov/>. Follow the online instructions for submitting comments.
- **Mail:** Department of Defense, Office of the Director of Administration and Management, Oversight and Compliance Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

**Instructions:** All submissions received must include the agency name, docket ID no., and the subject heading/title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <https://www.regulations.gov/> as the submissions are received without change, to include, changing any personal identifiers or contact information.

#### FOR FURTHER INFORMATION CONTACT:

*Department of Defense:*

- Office of the Under Secretary of Defense (Research and Engineering), Defense Research Enterprise: Dr. Jagadeesh Pamulapati, 571–372–6372, [jagadeesh.pamulapati.civ@mail.mil](mailto:jagadeesh.pamulapati.civ@mail.mil).

*Department of Army:*

- SEC: Teresa Manganaro, 520–671–3510, [teresa.a.manganaro.civ@army.mil](mailto:teresa.a.manganaro.civ@army.mil). Kristen Sanders, 520–671–4189, [kristen.j.sanders.civ@army.mil](mailto:kristen.j.sanders.civ@army.mil). Cc: [usarmy.apg.asic.mbx.careers@army.mil](mailto:usarmy.apg.asic.mbx.careers@army.mil).

**SUPPLEMENTARY INFORMATION:** As authorized by 10 United States Code (U.S.C.) 4121, the Secretary of Defense may carry out personnel demonstration projects at DoD laboratories designated as DoD STRL. Through the USD(R&E), the Secretary exercises the authorities granted to the Office of Personnel Management (OPM) under 5 U.S.C. 4703

to conduct personnel demonstration projects at DoD laboratories designated as STRLs. All STRLs authorized pursuant to 10 U.S.C. 4121 may adopt the provisions described in this FRN. STRLs implementing these flexibilities must have an approved personnel demonstration project plan published in an FRN. SEC will establish internal operating procedures (IOP) as appropriate.

## 1. Background

In 2001, CECOM published a FRN that established an STRL personnel demonstration project (STRL Demo) for CECOM research, development and engineering (RDE) organizations (CECOM RDE). CECOM RDE was comprised of CECOM RDE Center (now known as DEVCOM C5ISR) and CECOM SEC. CECOM SEC intends to continue to operate under the same provisions with minor modifications. The demonstration project currently includes supervisor and team leader personnel, and employees who were non-bargaining personnel outside Aberdeen Proving Ground, MD, and other duty stations where there was no bargaining unit representation. CECOM SEC intends to seek the inclusion of all eligible SEC government personnel in the demonstration project, including those who were previously in bargaining units.

Currently, CECOM SEC operates two different personnel demonstration projects. CECOM SEC intends to convert all employees participating in the Acq Demo project to the STRL Demo project. CECOM SEC leadership believes that having the entire workforce under the STRL Demo will result in a contemporary, flexible personnel management system that attracts, motivates, trains, and retains a top-performing Science and Technology (S&T) modernized workforce.

The CECOM SEC STRL personnel demonstration project plan will include:

- (1) Additional employees who are currently under the Acq Demo project pay plan;
- (2) Expansion of appointment authorities and hiring practices;
- (3) Updated pay banding by including certain Information Technology (IT) Management (IT Specialist), Job series 2210, positions within the DB pay band that contribute to highly technical and/or scientific programs that generally reside in the RDE domains;
- (4) Sabbaticals;
- (5) Academic degree, certificate, and critical skills training;
- (6) Senior Scientific Technical Manager (SSTM) positions;

(7) Changes to workforce shaping rules, such as Voluntary Early Retirement Authority (VERA) and Voluntary Separation Incentive Program (VSIP); and

(8) Improved incentives and opportunities.

Many aspects of a demonstration project are experimental and/or flexible. In accordance with (IAW) the provisions of DoD Instruction (DoDI) 3201.05, Management of Science and Technology Reinvention Laboratory Personnel Demonstration Projects, modifications may be made from time to time as additional experience is gained, results are analyzed, and conclusions are reached on how the system works.

## 2. Overview

The CECOM SEC STRL will adopt and expand upon the flexibilities implemented by CECOM RDE, 66 FR 54872, October 30, 2001. Adoption of the STRL Personnel Demo project flexibilities will enable CECOM SEC to achieve a modernized and future-ready workforce by adjusting the workforce for change, improving workforce quality, and allowing for the acquisition and retention of a dynamic, avant-garde, highly trained, and educated workforce. The purpose of the project is to demonstrate that DoD organizations can improve efficiencies through a highly responsive and flexible personnel system.

## 3. Access to Flexibilities of Other STRLs

Flexibilities published in this FRN will be available for use by DoD laboratories designated as STRLs pursuant to 10 U.S.C. 4121, including any newly designated STRLs, if they wish to adopt them.

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## I. Executive Summary

CECOM SEC is one of the U.S. Army's leading software providers. SEC is responsible for executing and overseeing all software work performed across CECOM and for delivering life-cycle software solutions that ensure warfighting superiority and information dominance, and support decisive decision making through superior, innovative, and cost-effective software engineering services. This is accomplished by providing software engineering expertise to include developing, providing, integrating, and maintaining Army C5ISR, Logistics and Business software. SEC is dedicated to delivering full Life Cycle Software Engineering Support to aid the Warfighter. From supporting Project Managers, to maintaining existing software, to developing customer software from the ground up, SEC will tailor its support to meet the needs of its customers for any systems, on any platform, anywhere in the world.

CECOM SEC has an urgent need for a high-quality, contemporary, flexible personnel management system to attract, motivate, train, and retain a top-performing science, technology, and modernization workforce. To fulfill these requirements SEC intends to remain an STRL and establish its own FRN to operate independently from other Army commands. The STRL Demo will equip SEC to be a more modernized, competitive, premier employer with growth opportunities, competitive pay, and management flexibilities to take care of both employees and the mission. The STRL Demo features pay banding, performance-based compensation,

flexible hiring, and a modern approach to career progression and assignments.

## II. Introduction

### A. Purpose

This project will enhance and expand opportunities available to CECOM SEC employees by allowing for greater managerial control over personnel functions through a more responsive and flexible personnel system. A top-tier workforce is essential to the efforts of CECOM SEC towards achieving technological innovation and modernization for the U.S. Army. Currently, CECOM SEC operates two different personnel demonstration projects. This FRN provides that CECOM SEC will establish one contemporary STRL personnel demonstration project for all eligible CECOM SEC personnel. These responsive personnel management flexibilities are designed to enable CECOM SEC leadership to be more agile and competitive in attracting, motivating, training, and retaining a top-performing, modernized S&T workforce. Also, this project will ensure that CECOM SEC is a premiere employer with growth opportunities, appropriate pay, and management flexibility to take care of both employees and assigned mission sets.

### B. Problems With the Present System

In 2018, the majority of CECOM SEC workforce transitioned from the General Schedule (GS) system to the Acq Demo Personnel Demo project. In 2022, CECOM SEC discovered that IAW 10 U.S.C. 4121, that the organization was not authorized to operate a non-STRL Personnel Demo project.

Therefore, CECOM SEC was required to choose between moving the entire workforce to the Acq Demo Personnel Demo project and losing the STRL designation or moving the entire workforce to the STRL Personnel Demo project to maintain the STRL designation. The CECOM SEC Operations Directorate personnel coordinated with CECOM G8, Resource Management team to conduct an in-depth analysis of the impact of the entire CECOM SEC workforce transitioning into the STRL Demo pay plan with particular emphasis on three factors: (1) people, (2) mission, and (3) cost. It was determined that STRL Demo pay plan positively outweighed alternate pay plans due to STRL Demo program entitlements that enhanced workforce benefits, and it better allowed the ability of organizational leadership to meet modernization requirements.

CECOM SEC leadership believes that having the entire workforce under the STRL Demo will result in a contemporary, flexible personnel management system that attracts, motivates, trains, and retains a top-performing S&T modernized workforce.

### C. Changes Required/Expected Benefits

The STRL Personnel Demo project plan will allow for greater workforce satisfaction through a responsive and effective personnel management system. There are some of the CECOM SEC workforce that are currently covered by the provisions of the STRL Personnel Demo project. This FRN will validate that the application of the STRL Personnel Demo project flexibilities to the CECOM SEC workforce and demonstrate the benefits of flexible personnel management system tailored to mission the goals, can result in an innovative and modernized workforce pool to include scientists, engineers, and technical personnel. This project will facilitate the following benefits:

- (1) More effective, efficient, and adaptable organizational systems;
- (2) Improved timeliness of key personnel processes;
- (3) Increased retention of excellent performers;
- (4) Increased success in recruitment of personnel with critical skills;
- (5) Increased information exchange between CECOM SEC and industry;
- (6) Increased permeability between Civil Service and industry; and
- (7) Increased workforce satisfaction and engagement.

The STRL flexibilities and organizational modifications established by this FRN are:

- (1) An expanded DE-III pay band to include GS-14, Step 10 for designated non-supervisory, technical champions, supervisory, and team leader positions;
- (2) Certain positions included under the IT Management (IT Specialist), Job series 2210, are authorized under occupational Family I., Engineering & Science, with pay band and salary growth opportunities for designated positions that are commensurate with the positions previously available to engineers and scientists under the Demonstration Project;
- (3) Utilization of the SSTM pay band as DB-V;
- (4) Annual pay-for-performance (PFP) payouts shall be made effective within 120 days after the end of the rating cycle and in conjunction with pay period dates;
- (5) The funding amount within a Pay Pool used for base pay increases will be set at no less than 2.0 percent of total salary annually. The funds available to

be used for bonus payouts are funded separately and set no less than 1.0 percent of total salary annually;

(6) Base pay is capped when an employee reaches the maximum rate of the pay band, the mid-point rule or significant accomplishment rule applies (see below), or subject to a salary control point;

(7) The significant accomplishment rule will apply only to non-supervisory employees, in Engineers and Scientists (E&S) Band III of the STRL Personnel Demo project pay banding table, whose base salary falls within the top 15 percent of that band;

(8) Employees permanently or temporarily reassigned may receive a higher rate of pay that does not exceed the maximum rate of the pay band;

(9) Details to a position in a higher pay band for up to one year may be made non-competitively. Beyond one year requires competitive procedures are required.

### D. Participating Employees

The STRL Demo project will apply to all CECOM SEC civilian employees with the occupational series listed in Appendix A. CECOM SEC currently has employees located in fifteen U.S. states, the Republic of Korea, and Germany. Approximately sixty-eight percent are located at APG, MD, and twenty-three percent are located at duty stations in New Jersey and Virginia. The remaining employees are located across twelve states: Alabama, Colorado, Florida, Georgia, Hawaii, Kansas, Kentucky, New York, North Carolina, Oklahoma, Texas, and Washington. CECOM SEC may add more employees, locations, and other occupations after implementation of the STRL Demo project. The addition of new occupational series will be documented in an IOP and will identify the proper designation of occupational family and career path. The project plan does not cover members of the Senior Executive Service (SES), Senior Level (SL) employees, Scientific and Professional (ST) employees, and employees presently covered by the Defense Civilian Intelligence Personnel System.

### E. Project Design

CECOM SEC personnel interfaced with other DoD laboratories and the U.S. Army Civilian Human Resources Agency (CHRA) to identify the best practices and available initiatives to implement the most effective CECOM SEC STRL Demo project plan. The CECOM SEC Operations Directorate, Human Resources and Planning Team Personnel, conducted a comprehensive review of personnel flexibilities used

within existing DoD laboratories and within other government agencies. The organization conducted internal analysis and review comparing the STRL Demo and the Acq Demo to evaluate the opportunities and benefits of each project plan. This analysis concluded that the CECOM SEC STRL Demo project plan should be expanded to include all eligible SEC personnel. The resulting Demo project plan will be overseen by the CECOM SEC Executive Director/CECOM SEC STRL Director, implemented through a STRL Demo Personnel Management Board (PMB), and documented in an IOP. Hereafter, the title CECOM SEC Executive Director/CECOM SEC STRL Director shall be referred to as the SEC Director. A review of the IOP will be conducted by the servicing legal office during approval routing coordination. Additional information on the delegated authorities and project structure is included in Section III of this FRN.

#### *F. Personnel Management Board (PMB)*

CECOM SEC will use a PMB to oversee and monitor the fair and equitable implementation of the provisions of the Demo project, to include the establishment of internal controls and accountability. The PMB membership will consist of the SEC Director (acts as the PMB Chair), the SEC Deputy Executive Director, and the CECOM SEC Associate Directors from each CECOM SEC Directorate. The PMB Chair may delegate add, remove, or change the membership of the PMB. As the STRL Demo project evolves, the PMB may also include subject matter experts (SMEs) from CECOM SEC Operations Directorate HR, Resource Management, or other relevant areas. Based on guidance from the PMB Chair and any applicable IOP, the PMB will:

- (1) Oversee the implementation guidance and procedures in all aspects of the Demo project plan IAW with the direction given by the SEC Director;
- (2) Issue top-level guidelines for the CECOM SEC STRL regarding established and implemented pay pools;
- (3) Review pay pool results for equity and conformance, on an annual basis;
- (4) Resolve administrative pay pool disputes that are not resolved through other means;
- (5) Establish guidelines for the use of retention counteroffers;
- (6) Review and approve the assignment of new occupational series to a pay band, if necessary;
- (7) Apply established guidelines for exceptions to base pay increases, such as Extraordinary Achievement Rewards and Distinguished Contribution Allowances;

(8) Establish guidelines for the Voluntary Expert Program;

(9) Modify the Standard Performance Elements, as needed;

(10) Execute guidelines for the use of SME Qualifications for exceptional experience;

(11) Approve any performance-based rules created and administered by the CECOM SEC STRL, prior to their implementation;

(12) Assess the need for changes to Demo project procedures and policies and provide CECOM SEC leadership for efforts to modify this FRN;

(13) Promote collaboration and best practices within the CECOM SEC STRL;

(14) Review CECOM SEC STRL Demo Project IOP's for equity and conformance;

(15) Track personnel cost changes and recommend adjustments, if required;

(16) Conduct formative evaluations of the project, including those directed by DoD;

(17) Ensure that all employees are treated in a fair and equitable manner in accordance with all policies, regulations and guidelines covering this demonstration project;

(18) Ensure in-house budget discipline;

(19) Review procedures for pay setting and pay adjustments and provide recommendations for changes to the SEC Director; and

In executing these duties and responsibilities, the PMB will maintain close contact and consultation with the SEC Director to ensure that policies and procedures are executed consistently throughout CECOM SEC and that they are aligned with CECOM SEC STRL strategic objectives.

#### *G. Organizational Structure and Design*

To optimize the effectiveness and efficiency of the CECOM SEC STRL during the adoption of the expanded use of this Personnel Demo program plan, the SEC Director will review and realign the organization structure, as necessary, to best meet mission needs and requirements. Realignment may include removing limitations in terms of supervisory ratios consistent with 10 U.S.C. 4121, and the alignment and organization of the workforce required to accomplish the mission of the CECOM SEC STRL. In general, the SEC Director will manage the CECOM SEC STRL's workforce strength, structure, positions, and compensation without regard to any limitation on appointments, positions, or funding in a manner consistent with the budget available in accordance with 10 U.S.C. 4091.

### **III. Personnel System Changes**

#### *A. CECOM SEC STRL Role Definitions*

The following role terminology is used throughout this FRN to refer to management and other officials in the CECOM SEC STRL.

(1) CECOM SEC STRL Director. This term refers to the SEC Director.

(2) PMB. This term refers to the group of supervisors/managers who oversee and monitor the fair, equitable, and consistent implementation of the demonstration project to include establishment of internal controls and accountability in performance ratings, resolve any rating issues, and make final decisions on ratings and payouts in each pay pool.

(3) Pay Pool Reconciliation. A process that provides for a structured group review of initial scores by raters within the organization. Employee preliminary scores are compared, and through discussion and consensus building, ratings are reconciled.

(4) Pay Pool Manager. This term refers to designated individuals from the CECOM SEC senior leadership who lead the pay pool panel meetings and make final decisions on scores and payouts for those employees within the assigned pay pool; CECOM SEC has several pay pools and pay pool managers. The Pay Pool Manager is responsible for reviewing the scores of employees in their pay pool for consistency and fairness and resolving any scoring issues.

(5) Senior Professionals. A term used to define positions classified in the IV pay band that plan, organize, and direct extensive development efforts for broad programs of applied research and development (R&D). Assignments are of fundamental significance in establishing overall agency R&D goals and missions; they develop and convey strategic vision and organizational policies.

(6) Technical Champions. A term used to define positions classified in the III, Category 2 (CAT-2), pay band that plan, develop, manage, and implement broad, critical, and complex projects. They serve as expert advisors and consultants in assigned functional areas.

#### *B. Pay Banding*

##### *1. Career Paths and Pay Bands*

Pay banding is a type of pay scale used in a Demo project designed to provide more flexibility regarding how much employees are paid. It groups GS pay grades into fewer bands to allow for progression based on performance. The goal of pay banding is to give the CECOM SEC STRL the ability to reward based on performance level. The new

CECOM SEC STRL pay banding structure encompasses the existing pay band structure for the STRL Demo positions and includes expansion for the DE III pay band to include two categories: Category 1 (CAT-1) and CAT-2. The CAT-1 designation remains the same as the existing pay band structure and includes GS-12, step 1

through GS-13, step 10 for business and technical journeyman and non-team leader/non-supervisory positions. The CAT-2 designation expands the CAT-1 pay band to include GS-12, step 1 through GS-14, step 10 for team leader, supervisor (Branch Chief) and designated technical champion positions. DE III position descriptions

will clearly indicate which category the position is classified, and this will be further clarified in IOPs. An equivalency table displaying the CECOM SEC STRL Personnel Demo project pay plans and career paths compared to the GS grades is provided in Figure 1.

Figure 1: STRL Demo Pay Plans with GS Grades Equivalency Table

|             | GS Equivalency                  | GS 01 | GS 02 | GS 03 | GS 04 | GS 05 | GS 06 | GS 07 | GS 08 | GS 09 | GS 10 | GS 11 | GS 12 | GS 13 | GS 14 | GS 14 | GS 15 | > GS 15 |
|-------------|---------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|---------|
| Career Path | Engineering & Science (DB)      | I     |       |       |       | II    |       |       |       |       |       | III   |       |       | IV    |       | V     |         |
|             | Business & Technical (DE) CAT 1 | I     |       |       |       | II    |       |       |       |       |       | III   |       |       | IV    |       |       |         |
|             | Business & Technical (DE) CAT 2 |       |       |       |       |       |       |       |       |       |       | III   |       |       |       |       |       |         |
|             | Support (DK)                    | I     |       |       |       | II    |       |       | III   |       |       |       |       |       |       |       |       |         |

Further, an equivalency chart displaying the CECOM SEC Acq Demo project pay plans and career paths

compared to GS grades is provided in Figure 2.

Figure 2: Acq Demo Pay Plans with GS Grades Equivalency Table

|             | GS Equivalency                               | GS 01 | GS 02 | GS 03 | GS 04 | GS 05 | GS 06 | GS 07 | GS 08 | GS 09 | GS 10 | GS 11 | GS 12 | GS 13 | GS 14 | GS 15 | > GS 15 |
|-------------|----------------------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|---------|
| Career Path | Business Management and Technical Management | I     |       |       |       | II    |       |       |       |       |       | III   |       | IV    |       |       |         |
|             | Technical Management Support (NJ)            | I     |       |       |       | II    |       |       | III   |       | IV    |       |       |       |       |       |         |
|             | Administrative Support (NK)                  | I     |       |       |       | II    |       | III   |       |       |       |       |       |       |       |       |         |

## 2. Pay Band Comparison

As provided in Figures 1 and 2, the CECOM SEC STRL Demo and CECOM SEC Acq Demo projects have differing pay band structures. The Acq Demo project pay bands reflect the structure within the Acquisition Demonstration Project **Federal Register**. Currently, CECOM SEC personnel who were previously included in a BU are included within the CECOM SEC Acq Demo project pay band plan, whereas supervisors, team leaders and employees located at duty stations that were not represented by BU's are covered under the CECOM SEC STRL Demo project pay band plan. The CECOM SEC Acq Demo pay band structure contains control points for

certain positions, limiting pay at a specific grade/step, whereas the CECOM SEC STRL Demo pay band structure uses specific pay tables that contain pay rates to limit the maximum pay for the band at either the GS-13 or GS-14 step 10 equivalency and it remains consistent with GS step 10 as the highest performance level. The Acq Demo NH-04 band control point limits the non-supervisory positions to the GS-14, step 10 pay and grade equivalency. The NH-03 band includes GS-12 and GS-13 journeyman level positions and has a control point limiting certain positions to the GS-13, step 5 pay level, whereas other positions within the NH-03 band, provide a higher control point that is extended to

the GS-13, step 10 pay level. This expanded control point level is determined by the level of responsibility for the position and is documented accordingly in the Position Requirements Document.

The Acq Demo (NH) pay bands include both the E&S and Business and Technology (B&T) occupational families. The STRL Demo separates these occupational families between the DE and DB bands. In the CECOM SEC STRL Demo, occupations with similar characteristics will be grouped together into one of three occupational families that are also referred to as career paths with pay bands designed to facilitate pay progression. Each career path will be composed of pay bands

corresponding to recognized advancement and career progression expected within the occupations. Each career path will be divided into three to five pay bands with each pay band covering the same pay range now covered by one or more GS grades. The upper and lower pay rate for base pay of each pay band is defined by the minimum and maximum GS rate for the grade, except for Level V of the Engineering & Science career path. A comparison to the GS grades is used to set the upper and lower base pay dollar limits of the pay bands and is referred to as "GS grade equivalency" in this FRN.

### 3. Occupational Series and STRL Career Paths

The occupational series provided in Appendix A serve as guidelines in the development of the following three career paths: E&S (Pay Plan DB), B&T (Pay Plan DE), and General Support (GEN) (Pay Plan DK).

#### i. Engineering and Science (E&S) (Pay Plan DB)

This career path includes technical professional positions, such as computer engineers, computer scientists, data scientists, and IT specialists identified as professional occupational family. Specific coursework or educational degrees are required for these occupations (except IT). Historically, the IT specialist position aligns with the B&T (DE), however CECOM SEC has evaluated that certain 2210 series capabilities may be classified and suitable for the E&S career path (DB) when contributing to highly technical and/or scientific programs that generally reside in the RDE domains. The IT specialist positions included in this pay band will be reserved for unique positions requiring the level of expertise, knowledge, and competencies possessed by the requisite engineering or scientific degrees and coursework to qualify for any professional series that is currently resident within the Occupational Family I, E&S.

CECOM SEC has established five pay bands for the E&S career path:

- (a) Pay band I is a student trainee track covering GS–1, step 1 through GS–4, step 10;
- (b) Pay band II is a developmental track covering GS–5, step 1 through GS–11, step 10;
- (c) Pay band III includes GS–12, step 1 through GS–14, step 10;
- (d) Pay band IV includes GS–14, step 1 through GS–15, step 10; and
- (e) Pay band V covers SSTM positions.

Currently, within the E&S occupational family, pay bands III and IV overlap with the GS–14 level. The GS–14 level positions fall into either III or IV pay band depending on the level of responsibility required for the position. The III pay band is comprised of CECOM SEC professionals, SMEs at the journeyman and technical champion levels, Team Leads, and Branch Chiefs. The IV pay band is comprised of CECOM SEC Associate Directors, Deputy Associate Directors, Division Chiefs, Senior Professionals, Chief Engineers, and Chief Data Officers. The Senior Professional position involves work efforts that plan, organize, and support direct development efforts that are of fundamental significance in establishing overall agency research and development goals and missions.

#### ii. Business and Technical (B&T) (Pay Plan DE)

This career path includes such positions as IT specialist, acquisition and business manager, and program and management analyst. Employees in these positions do not require specific course work or educational degrees.

CECOM SEC has established four pay bands for the B&T career path:

- (a) Pay band I is a student trainee track covering GS–1, step 1 through GS–4, step 10;
- (b) Pay band II includes developmental and full performance employees GS–5, step 1 through GS–11, step 10;
- (c) Pay band III, CAT–1, includes GS–12, step 1 through GS–13, step 10 for business and technical journeyman and non-team leader/non-supervisory positions. The CAT–2 positions include GS–12, step 1 through GS–14 Step 10 for designated CECOM SEC Technical Champions, Team Leads, and Branch Chief positions. Technical Champions are personnel who are expert advisors/consultants in their assigned functional areas and identified as GS–14 equivalency upon conversion into the STRL Demo or in a position that is classified at the GS–14 level after conversion. These positions will be converted into STRL Demo at the DE III CAT–2 pay band on the same pay table as Team Leads and Branch Chiefs where the top of the pay band is the GS–14, step 10; and
- (d) Pay band IV includes GS–14, step 1 through GS–15, step 10 for CECOM SEC Associate Directors, Deputy Associate Directors, Division Chiefs, and Senior Professional designated positions.

There is an overlap at the start and end points for pay bands III and IV. The DE III, CAT–2 pay band extends up to

the GS–14, step 10 at the top performance level for CECOM SEC Branch Chiefs, Team Leads, and Technical Champions that are considered a SME at the action officer level and meet the other requirements of a Technical Champion designated position. The IV pay band starts with GS–14, step 1 and extends to the GS–15, step 10 for SEC Director/Executive-level leadership positions, Division Chiefs, and Senior Professional designated positions. An assignment to the III or IV band is contingent on the level of responsibility of the position and is not subject to exception. Position descriptions clearly define the levels of responsibility for each position and the position is assigned to the III or IV pay band.

#### iii. General Support (Pay Plan DK)

This career path consists of clerical and assistant positions for which specific course work or educational degrees are not required. Clerical work usually involves the processing and maintenance of records. Assistant work requires knowledge of methods and procedures within a specific administrative area. CECOM SEC has established three pay bands for the General Support career path:

- (a) Pay band I includes entry-level positions covering GS–1, step 1 through GS–4, step 10.
- (b) Pay band II includes full-performance positions covering GS–5, step 1 through GS–8, step 10.
- (c) Pay band III includes senior technicians/assistants/secretaries covering GS–9, step 1 through GS–10, step 10.

#### iv. Senior Scientific Technical Managers (SSTM)

The STRL Demo includes a category of SSTM positions that are defined as Senior Professional Scientific and Technical Positions classified above the GS–15 level of the GS. The SSTM Program will be managed and administered by the SEC Director IAW 10 U.S.C. 4091 and 79 FR 43722, as amended. E&S pay band V will apply exclusively to SSTM designated positions. The SSTM positions are managed separately from the SES, ST, and SL positions. The primary functions of an SSTM position are to engage in modernization and sustainment, within the technical management, computer science functions or another field, that is closely related to the mission of the STRL. The SSTM role also carries out technical supervisory responsibilities. This category is expected to provide an opportunity for career development and expansion of a pool of experienced,

prominent technical candidates that meet the levels of proficiency and leadership essential to creating and maintaining state-of-the-art scientific, engineering, and technological capabilities within the DoD.

#### 4. Position Control Points

Control points may be used as a compensation strategy when leadership determines that a position does not warrant unconstrained salary progression throughout the entire pay band. If used, the control points will be documented on the classified position description. The consideration to increase an employee's salary beyond the control point, if established or used, will require a review of both the position and the performance of the employee. Advancement across a control point may not occur without the approval of the SEC Director or their authorized designee. Any additional guidance will be included in the CECOM SEC STRL Demo project IOPs.

#### C. Classification

##### 1. Occupational Series

The GS classification system has over 400 occupational series, which are divided into 23 occupational groupings. As detailed in Appendix A, CECOM SEC currently has positions in 14 occupational series. Additional occupational series may be added to the CECOM SEC STRL Demo project as needed.

#### 2. Classification Standards and Position Description

SEC will utilize OPM classification standards for the identification of proper series and occupational titles of positions within the Demo project. The grading criteria in those standards will be used as a framework to develop new, simplified, and equitable standards for the purpose of pay band determinations. The objective is to include in the position description the essential criteria for each pay band within each career path by stating the characteristics of the work, the responsibilities of the position, and the competencies required.

The classification standard for each career path and pay band will serve as an important component to update existing position descriptions, which will include position-specific information, and provide data element information pertinent to the job. The Fully Automated System for Classification (or similar designated classification system) will be used to produce information necessary for any new position descriptions. The use of this system will make new position descriptions easier to prepare, minimize the amount of writing time, and make the position description a more useful and accurate tool for other personnel management functions. Specialty work and/or competency codes, with corresponding narrative descriptions, will be used within position

descriptions to further differentiate work types and the competencies required for positions within each career path and pay band. Each code represents a specialization or type of work within the occupation.

#### 3. Fair Labor Standards Act (FLSA)

FLSA exemption and non-exemption determinations will be consistent with criteria within 5 CFR part 551. All employees are covered by the FLSA unless their position meets the criteria for exemption. The duties and responsibilities outlined in the classification standards for each pay band will be compared to the FLSA criteria. As detailed in Figure 3, the table displays that the FLSA status can be matched to mostly any career path and pay band. For note, although a typical exemption status under the various pay bands is shown in table, actual FLSA exemption determinations are made on a case-by-case basis. An example for the application of the FLSA exemption and non-exemption determination is that positions classified in pay band I of the E&S career path are typically non-exempt, meaning they are covered by the overtime entitlements prescribed by the FLSA. An exception to this rule would include supervisors/managers at pay band I or II whose primary duties meet the definitions outlined in the OPM GS Supervisory Guide; these employees are exempt from the FLSA.

Figure 3: FLSA Status and STRL career paths and pay bands

| Pay Band                                                                                                         | I | II  | III | IV | V |
|------------------------------------------------------------------------------------------------------------------|---|-----|-----|----|---|
| Engineering & Science (DB)                                                                                       | N | N/E | E   | E  | E |
| Business & Technical (DE)                                                                                        | N | N/E | E   | E  |   |
| Support (DK)                                                                                                     | N | N/E | E   |    |   |
| N - Non-Exempt from FLSA;<br>E - Exempt from FLSA;<br>N/E - Exemption status determined on a case-by-case basis. |   |     |     |    |   |

The CECOM SEC STRL Demo project classification authorities will make the

determinations on a case-by-case basis by comparing assigned duties and

responsibilities to the classification standards for each career path and the

FSLA criteria provided in 5 CFR part 551. In addition, the advice and assistance of the servicing personnel office will be obtained when making determinations. The position descriptions will not be the sole basis for the final determination. The basis for exemption will be documentation and attached to each position description. Exemption criteria will be narrowly construed and applied only to those employees who clearly meet the spirit of the exemption. Changes will be documented and provided to the servicing personnel office.

#### 4. Classification Authority

The SEC Director will have classification authority and may, in turn, delegate this authority in writing to appropriate levels. Any individual with delegated classification authority must complete the required training and only classify positions that they supervise. Delegated classification authority can be used to develop position descriptions, otherwise, CECOM SEC will continue to engage with the U.S. Army CHRA for the development of position descriptions.

CECOM SEC classification authorities will identify the career path, job series, functional code, specialty work and/or competency code, pay band, and other critical information. The CECOM SEC Operations Directorate, HR personnel, will provide on-going consultation and guidance to managers and supervisors throughout the classification process. These decisions will be documented in the position description.

#### 5. Classification Appeal

The evaluation of all classification appeals under this Demo project is based upon the project classification criteria. All case files will be forwarded for action through the servicing personnel office and will include copies of appropriate demonstration project criteria. Classification appeals under this Demo project will be processed using the following procedures:

(a) An employee may appeal the determination of career path, occupational series, position title, and pay band of the position at any time.

(b) An employee must formally raise the area of concern to supervisors in the immediate chain of command, in writing.

(c) If the employee is not satisfied with the supervisory response, the employee may then appeal to their SEC Associate Director, and if still not satisfied, the employee may appeal to the SEC Director.

(d) If the employee is not satisfied with the response from the SEC

Director, a final appeal may be made to the CECOM Deputy to the Commanding General. The classification determination appeal process will be defined in a CECOM SEC STRL Demo project IOP.

(e) Classification appeals are not accepted on positions which exceed the equivalent of a GS-15 level. Time periods apply for cases processed under 5 CFR part 511.

#### *D. Pay-for-Performance (PFP) Management System*

##### 1. Overview

The purpose of the PFP management system is to provide an effective, efficient, and flexible method for assessing, compensating, and managing the CECOM SEC workforce. It is essential for the development of a high performing workforce and to provide management at the lowest practical level, the authority, control, and flexibility needed to achieve a quality organization that can meet mission requirements. The PFP management system allows for more employee involvement in the assessment process, strives to increase communication between the supervisor and employee, promotes a clear accountability of performance, facilitates employee career progression, and provides an understandable and rational basis for salary changes by linking pay and performance.

The PFP management system uses annual performance payouts that are based on the total performance score of the employee rather than within-grade increases, quality step increases, and performance awards. The normal rating period will be one year. The minimum rating period will be 90 days. Annual PFP management system payouts shall be made effective within 120 days after the end of the rating cycle and in conjunction with pay period dates. The PFP management system payouts can be in the form of increases to base pay and/or bonuses that are not added to base salary, but rather, are given as a lump sum payment, and/or a time-off award. The CECOM SEC STRL Demo project PFP management system by the CECOM SEC STRL Demo PMB, if necessary and as more experience is gained under the project.

##### 2. Performance Elements

Performance elements define common performance characteristics that will be used to evaluate the success of the employee in accomplishing performance objectives. The use of common characteristics for scoring purposes helps to ensure comparable

scores are assigned while accommodating diverse individual objectives. The PFP management system will utilize and rate employees on the critical performance elements provided in Appendix B. A critical performance element is defined as an attribute of job performance that is of sufficient importance that performance below the minimally acceptable level requires remedial action and may be the basis for removing an employee from their position. Each of the performance elements will be assigned a two-digit weight between 0 and 1 rounding two significant digits, which reflects its importance in accomplishing the performance objectives of that employee. A minimum weight is set for each performance element with the sum weight for all the elements being 100.

A single set of performance elements will be used for evaluating the annual performance of all employees covered by this Demo project plan. This set of performance elements may evolve over time based on experience gained during each rating cycle. This evolution is essential to capture the critical characteristics that the organization encourages in its workforce and toward meeting individual and organizational objectives. This is particularly true in an environment where technology and work processes are changing at an increasingly rapid pace. The CECOM SEC STRL Demo PMB will annually review the set of performance elements and set the criteria for the entire organization before the beginning of the rating period. The following is an initial set of performance elements along with the minimum weight:

(a) Technical Competence (Minimum Weight: 15%)

(b) Interpersonal Skills (Minimum Weight: 10%)

(c) Management of Time and Resources (Minimum Weight: 15%)

(d) Customer Satisfaction (Minimum Weight: 10%)

(e) Team/Project Leadership (Minimum Weight: 15%)

(f) Supervision/EEO (Minimum Weight: 25%)

All employees will be rated against the first four performance elements. In addition, the Team/Project Leadership performance element is mandatory for Team Leads. The Supervision/EEO performance element is mandatory for all managers/supervisors. At the beginning of the rating period, the Pay Pool Manager will review the objectives and weights assigned to employees within the pay pool, to verify consistency and appropriateness.

### 3. Performance Objectives

Performance objectives define a target level of activity, expressed as a tangible, measurable objective, against which actual achievement can be compared. These objectives will specifically identify what is expected of the employee during the rating period and will typically consist of three to ten results-oriented statements. The employee and the supervisor will jointly develop the performance objectives for the employee at the beginning of the rating period. If there is a disagreement between the employee and supervisor concerning the performance objectives, the supervisor of the employee will render the final resolution concerning the assigned performance objectives. The objectives are to be reflective of the duties/responsibilities of that employee within their assigned pay band and be consistent with organizational goals, priorities, and mission.

Objectives will be reviewed annually and may be revised if salary changes occur reflecting increased responsibilities commensurate with a salary increase. Performance objectives are intended to define the specific responsibilities and accomplishments of an employee. In contrast, performance elements will identify common performance characteristics, against which the accomplishment of the objectives will be measured. As a part of this Demo project, training focused on overall organizational objectives and the development of performance objectives will be held for both supervisors and employees. Performance objectives may be jointly modified, changed, or deleted as appropriate during the rating cycle. Generally, performance objectives should only be changed when circumstances outside the control of the employee prevent or hamper the accomplishment of the original objectives. It is also appropriate to change objectives when mission or workload shifts occur.

### 4. Performance Feedback and Formal Ratings

The most effective means of communication is a person-to-person discussion between supervisors and employees concerning the requirements, performance goals, and desired results. Employees and supervisors are expected to actively participate in these discussions for optimum clarity regarding expectations and identify potential obstacles to meeting objectives. In addition, employees should explain (to the best extent possible) what they need from the

supervisor to support objective accomplishment. The timing of these discussions will vary, based on the nature of work performed, but will occur at least at the midpoint and end of the rating period. The supervisor and employee will discuss job performance and accomplishments in relation to the performance objectives and elements. At least one review, normally the midpoint review, will be documented as a formal progress review. There may be more frequent task specific discussions, as appropriate, during the rating period. In cases where work is accomplished by a team, team discussions regarding goals and expectations may be appropriate.

The employee will provide a written list of accomplishments to the supervisor at both the midpoint and end of the rating period. An employee may elect to provide self-ratings on the performance elements and/or solicit accomplishment input from team members, customers, peers, supervisors in other units, subordinates, and other sources which will permit the supervisor to fully evaluate accomplishments during the rating period.

At the end of the rating period, following a review of the employees' accomplishments, the supervisor will rate each of the performance elements by assigning a score between 0 and 50. Benchmark performance standards have been developed, which describe the level of performance associated with a score. Using these benchmark performance standards, the supervisor decides where on the performance element score scale (at any point on a scale of 0 to 50) the performance of the employee fits and assigns the employee the appropriate score. It should be noted that these scores are not discussed with the employee or considered final until all scores are reconciled and approved by the Pay Pool Manager. The element scores will then be multiplied by the element-weighting factor to determine the final weighted score expressed to two decimal points. The weighted scores for each element will then be totaled to determine the overall appraisal score for the employee (rounded to a whole number) as follows:

(a) If the digit to the right of the decimal is between five and nine, it should be rounded to the next higher whole number; or

(b) If the digit to the right of the decimal is between one and four, it should be dropped.

A total score of 10 or above will result in a rating of acceptable. A total score of 9 or below, or a score of 9 or below in a single element, will result in a rating of unacceptable will require the

employee be placed on a Performance Improvement Plan (PIP), as soon as feasible, or that other appropriate administrative action is taken, such as an adverse action under 5 U.S.C. chapter 75.

### 5. Unacceptable Performance

Informal employee performance reviews will be a continuous process so that corrective action, to include placing an employee on a PIP, may be taken at any time during the rating cycle. When a supervisor recognizes the performance of the employee is unacceptable in one or more performance elements, the supervisor should immediately discuss the concerns with the employee. All efforts will be made to identify the possible reasons for the unacceptable performance and how to improve the performance; a structured PIP may be used to improve performance. The supervisor will identify the items/actions that need to be corrected or improved, outline required timeframes (no less than 30 days) for such improvement and provide the employee with any available assistance as appropriate.

During the PIP period, the performance of the employee will be monitored, and all supervisor/employee counseling sessions will be documented. If the employee's performance is acceptable at the conclusion of the PIP, the improvement is noted in the documentation provided to the employee and no further action is necessary.

If the employee fails to improve during the PIP period, the employee will be given documented notice of proposed and appropriate action. This action can include removal from Federal service, placement in a lower pay band with a corresponding reduction in pay (demotion), reduction in pay within the same pay band, or change in position or occupational family. The majority of employees with an unacceptable rating will not be permitted to remain at their current salary and may be reduced in pay band. Reductions in salary within the same pay band or changes to a lower pay band will be accomplished with a minimum of a five-percent decrease in the base pay of the employee. For note, no guidance in this subsection will preclude action under 5 U.S.C. 75, as appropriate. All actions taken to address the unacceptable performance will be documented to include actions concerning the reduction in pay or removal from Federal service. The documentation should be made available to the employee and/or their designated representative. At a minimum, the documentation record

will consist of a copy of the notice of proposed personnel action, the employee's written reply, if provided, or a written summary of the oral reply from the employee. Additionally, the record will contain the written notice of decision, the reasons for the decision, and supporting material for the decision including any documentation regarding the opportunity afforded the employee to demonstrate improved performance.

If the employee's performance continues to deteriorate to an unacceptable level for the same performance element(s), within two years from the start date of a PIP period, additional actions may be initiated with no additional further opportunity for the employee to improve performance. If the performance of the employee is at an acceptable level for two years from the beginning of the PIP period for the same performance elements(s) and performance once again declines to an unacceptable level, the employee will be given an additional opportunity to improve before leadership proposes additional action.

#### 6. Reconciliation Process

At the end of the rating cycle and following the initial scoring of each employee by the supervisor, the rating officials along with the employee's next level of supervisor within the organization, will meet to ensure consistency and equity of the ratings. Each employee's performance objectives, accomplishments, preliminary scores, and current salaries are compared. Through discussion and consensus building, consistent and equitable ratings and/or shares are reached. There will not be a prescribed distribution of total scores. The Pay Pool Manager will chair a final review with the rating officials who report directly to them to validate the ratings and resolve any scoring issues. If there are disputes

or concerns during the ratings process, the Pay Pool Manager is considered the final decision authority. After the reconciliation process is complete, scores are finalized. The final employee payout will proceed according to the final score and current salary of the employee. Upon approval of this Demo project plan, a CECOM SEC STRL Demo IOP will be created to document this process for employees and supervisors.

#### 7. Pay Pools

Employees within the CECOM SEC STRL Demo project will be placed into pay pools. Pay pools are combinations of organizational elements (*e.g.*, Directorates, Divisions, Branches, and Offices) that are defined for the purpose of determining performance payouts under the PFP management system. As an exception, the Pay Pool Manager may deviate from the guidelines if there is a compelling need to do so, and the supporting rationale is approved by the SEC Director. This exception and approval will be documented in writing.

Typically, pay pools will have between 35 and 300 employees. A pay pool should be large enough to encompass a reasonable distribution of ratings, but not so large, as to compromise rating consistency. Supervisory personnel will be placed in a pay pool separate from subordinate, non-supervisory personnel. Team Leads classified by the GS Leader Grade-Evaluation Guide will be included in a supervisory pay pool. Neither the Pay Pool Manager nor supervisors within a pay pool will recommend or set their own individual pay.

All decisions regarding the performance payout amount are based on the established payout calculations. Annual pay pool limits for base pay increases and bonuses, also referred to as payout factors, will be established by the CECOM SEC STRL Demo PMB. The funds for performance payouts are

divided into two components: base pay increases and bonuses. The funds used for base pay increases are those that would have been available from the GS within-grade increases, quality step increases, and promotions. This payout amount will be defined based on historical data and set at no less than 2.0 percent of total salary annually. The funds available to be used for bonus payouts are funded separately within the constraints of the organization's overall award budget. The payout amount will be defined based on historical data and set no less than 1.0 percent of total salary annually. The sum of the two fund performance payout components is referred to as the Pay Pool Percentage Factor. On an annual basis, the CECOM SEC STRL Demo PMB will review the pay pool funding formulas and recommend adjustments to ensure cost discipline over the life of the STRL Demo project. The CECOM SEC STRL Demo PMB allocates the amount of funds assigned to each pay pool as necessary to ensure equity and to meet unusual circumstances.

#### 8. Performance Payout Determination

The performance payout that an employee will receive is based on the total performance score from the pay-for-performance assessment process. An employee will receive a performance payout as a percentage of their current salary. This percentage is based on the number of shares that equate to their final appraisal score. Shares will be awarded on a continuum as shown in Figure 3. An example is that a score of 38 would equate to 1.8 shares and a score of 44 would equate to 2.4 shares. Fractional shares will be awarded for employee scores that fall between the score values listed in the table. Any score below 9 will require further administrative action.

Figure 4: Employee performance payout based on Number of Shares

| Score | Number of Shares |
|-------|------------------|
| 50    | 3                |
| 40    | 2                |
| 30    | 1                |
| 21    | 0.1              |
| 10-20 | 0                |
| <=9   | 0                |

The value of a share cannot be exactly determined until the rating and reconciliation process is completed and all scores are finalized. The share value is expressed as a percentage. The formula that computes the value of each

share is based on (1) the value of pay pool, (2) the employee's pay, (3) the number of shares awarded to each employee in the pay pool, and (4) the total number of shares awarded in the pay pool. This formula assures that each

employee within the pool receives a share amount equal to all others in the same pool who are at the same rate of basic pay and receiving the same score. The formula is shown in figure 4.

Figure 5: Share Value formula to calculate employee pay increase

$$\text{Individual Pay Increase} = \frac{\text{Pay Pool Value}}{\text{SUM (tSAL* tN)}}$$

Where:

Pay Pool Value = F \* (tSAL)

F = Payout Factor; initially 3.8% of combined basic rates of pay of the assigned employees in a pay pool

SUM = Summation of entities within parenthesis

tSAL = Total of basic rates of pay in a pay pool

tN = Total of shares earned by employees in pool

A Pay Pool Manager is accountable for staying within pay pool limits. The Pay Pool Manager makes the final decisions on pay increases and/or bonuses to individuals based on recommendations from personnel ratings, the final score, the pay pool funds available, and the employee's current salary. A Pay Pool

Manager may request approval from the CECOM SEC STRL Demo PMB to grant an additional pay increase or performance bonus to an employee that is higher than the one generated by the compensation formula for that employee. An example of the employees who might warrant such consideration

are those employees making extraordinary achievements or for a local intern to provide them with accelerated compensation.

In addition, the designated Pay Pool Manager may nominate employees for Extraordinary Achievement Recognition. This recognition grants a

base pay increase and/or bonus to an employee that is higher than the one generated by the traditional compensation formula. The funds available for Extraordinary Achievement Recognition are separately funded within the constraints of the organization's budget.

#### 9. Base Pay Increases and Bonuses

The shares that the employee earns will be paid out as a base pay increase, a bonus, or a combination of both. To ensure continued cost discipline and performance incentive, base pay increases may be limited or capped. There are certain employees that cannot receive base pay increases due to base pay caps. Base pay is capped when an employee reaches the maximum rate of pay in an assigned pay band or when a performance-based rule applies. The employees affected by base pay caps and those receiving retained pay will receive the entire performance payout in the form of a bonus.

If there are unexpended base cap pay funds for capped employees, the CECOM SEC STRL Demo PMB may deem it appropriate to re-allocate a portion (up to the maximum possible amount) of the funds to uncapped employees. Any dollar increase in an employee's projected base pay will be offset, dollar for dollar, by an accompanying reduction in the employee's projected bonus payment. Thus, the employee's total performance payout is unchanged. All PFP management system bonuses and salary increases must be effective within 120 days of the end of the appraisal cycle.

Base pay is capped when an employee reaches the maximum rate of pay in an assigned pay band, when the mid-point rule applies or when the significant accomplishment rule applies, or otherwise subject to a salary control point as established by the SEC Director.

#### 10. Performance-Based Rules

As a compensation management tool, CECOM SEC may establish performance-based rules to manage pay progression by career path, pay band, or any other grouping. If established, such performance-based rules must be approved by the CECOM SEC STRL Demo PMB and be published to the workforce prior to implementation. In addition, the process for obtaining a rule exception will be documented in a CECOM SEC STRL Demo IOP. Once established, performance-based rules may be used in the pay pool process to manage performance salary increases.

#### i. Mid-Point Rule

To provide added performance incentives as an employee progresses through a pay band, a mid-point rule will be used to determine base pay increases. The mid-point rule dictates that any employee must receive a score of 30 or higher for their base pay to cross the salary midpoint of their pay band. Also, once the base pay of the employee exceeds the salary midpoint of their band, the employee must receive a score of 30 or higher to receive any additional base pay increases. If there is any amount of the performance payout not paid in the form of a base pay increase because of the mid-point rule, the payout will instead be paid as a bonus. This rule effectively raises the standard of performance expected of an employee once the salary midpoint of a band is crossed. This applies to all employees in every occupational family and pay band.

#### ii. Significant Accomplishment/Contribution Rule

The purpose of this rule is to maintain cost discipline while ensuring that employee payouts are in consonance with accomplishments and levels of responsibility. This rule will apply only to non-supervisory employees in E&S Band III and B&T Band III Category 2 whose base salary falls within the top 15 percent of the band. For employees meeting this criterion, the following provisions will apply:

(1) If an employee's score falls in the top third of scores received in his/her pay pool, he/she will receive the full allowable base pay increase portion of the performance payout. The balance of the payout will be paid as a lump sum bonus;

(2) If an employee's score falls in the middle third of scores received in his/her pay pool, the base pay increase portion will not exceed 1% of base salary. The balance of the payout will be paid as a lump sum bonus; and

(3) If an employee's appraisal score falls in the bottom third of scores received in his/her pay pool, the full payout will be paid as a lump sum bonus.

#### 11. Awards

To provide additional flexibility in motivating and rewarding individuals and groups, some portion of the performance award budget may be reserved for special acts and other categories as they occur. Awards may include, but are not limited to special acts, patents, suggestions, on-the-spot, and time-off. The funds available to be used for awards are separately funded

within the constraints of the organization's overall award budget. While not directly linked to the PFP management system, this additional flexibility is important to encourage outstanding accomplishments and innovation in accomplishing the diverse modernization missions that CECOM SEC intends to accomplish through participating in STRL Personnel Demo project. Additionally, to foster and encourage teamwork among its employees, CECOM SEC may give group awards. The SEC Director will have the authority to grant special act awards to covered employees of up to \$25,000 IAW the criteria of Army Regulation 672–20, Incentive Awards.

#### 12. General Pay Increase (GPI)

When the rates of the GS are increased due to general pay increases, the minimum and maximum salaries of the pay band levels will also increase. All employees will receive the GPI as the increases are approved except for employees in pay band V and employees with unacceptable performance. The maximum basic rate with locality for Pay band V is Level III of the executive schedule (EX–III). Employees, who are on a PIP due to unacceptable performance and/or receive a Level 1 rating of record at the time that pay determinations are made, may be denied performance payouts or the GPI.

When the employee has performed at an acceptable level for at least 90 days, the GPI will not be retroactive but will be granted at the beginning of the next pay period after the supervisor authorizes its payment. These actions may result in a base salary that is identified in a lower pay band. This occurs because the minimum rate of basic pay in a pay band increases as the result of the GPI pursuant to 5 U.S.C. 5303. This situation (a reduction in pay band with no reduction in pay) will not be considered an adverse action, nor will any pay band retention provisions apply. After 90 days of acceptable performance, the employee is granted GPI, and the employee will be returned to their previous pay band.

#### 13. Grievances and Disciplinary Actions

An employee has the right to grieve the performance rating/score received under the PFP management system. Employees who choose to pursue a grievance must do so in accordance with the established administrative grievance procedures outlined in the IOP. Except, where specifically waived or modified in the CECOM SEC STRL Demo plan, adverse action procedures

under 5 CFR part 752 remain unchanged.

#### *E. Hiring and Appointment Authorities*

Competitive service positions will be filled through Merit Staffing, direct-hire authority, competitive examining/delegated examining, or other non-competitive hiring authorities. Direct-hire authority will be exercised IAW the requirements of the delegation of authority.

##### 1. Qualifications

The qualifications required for placement into a position within a pay band and within an occupational family are determined using the OPM GS Qualification Operating Manual. As the pay bands are anchored to the GS grade levels, the minimum qualification requirements for a position will be the minimum requirements that corresponding to the lowest GS grade incorporated into that pay band. For example, for a position in the E&S occupational family, pay band II individuals must meet the basic requirements for a GS-5 as specified in the qualification standard for Professional and Scientific Positions. Selective placement factors can be established IAW the OPM GS Qualification Operating Manual, when judged to be critical to successful job performance. These factors will be communicated to all candidates for position vacancies and must be met for basic eligibility.

##### 2. Delegated Examining

Competitive service positions within the CECOM SEC STRL Demo project may be filled through Delegated Examining. The CECOM SEC STRL Demo project positions will follow category rating when recruiting under competitive examining. When there are no more than 15 qualified applicants and no preference eligibles, all eligible applicants are immediately referred to the selecting official without rating and ranking. Rating and ranking will be required only when the number of qualified candidates exceeds 15 or there is a mix of preference and non-preference applicants. Statutes and regulations covering veterans' preference will be observed in the selection process and when rating and ranking are required. Veterans will be placed ahead of non-veterans within the same category. The procedures within the OPM Delegated Examining Operations Handbook will be followed.

##### 3. Direct Hire

In addition to direct hire authorities authorized by OPM or granted within

various National Defense Authorization Acts (NDAAs), CECOM SEC will use the direct hire authorities authorized by 10 U.S.C. 4091 and published in 79 FR 43722 and 82 FR 29280, 85 FR 78829, and 88 FR 10874, as amended and appropriate, to appoint the following:

(a) Candidates with bachelor's and/or advanced degrees to scientific and engineering positions;

(b) Veteran candidates to scientific, technical, engineering, and mathematics positions (STEM), including technicians;

(c) Student candidates enrolled in a program of instruction leading to a bachelor or advanced degree in a STEM discipline;

(d) Candidates for any position:

- (1) involving 51 percent or more of time in direct support of SEC mission;
- (2) identified as hard to fill; having a history of high turnover; or
- (3) requiring a unique, laboratory-related skillset.

(e) Candidates for students and recent graduates for occupations which do not require expertise in STEM.

Direct hire appointments may be made on a permanent, term, or temporary basis. Requirements for qualifying positions for the usage of the direct hire authorities will be documented in a CECOM SEC STRL Demo IOP. In addition, other direct hire authorities, documented in FRNs that are available to all DoD STRL laboratories, may be utilized, once requested and adopted, as appropriate.

##### 4. Hiring Demonstrated Exceptional Talent for Engineering and Science Positions

IAW paragraph 4.g. of the OPM GS Qualification Operating Manual, CECOM SEC may consider any demonstrated, exceptional experience or a combination of experience and education in lieu of the candidate meeting OPM individual occupational qualification requirements for E&S positions by using 85 FR 78829, as amended, to implement this consideration criteria.

##### 5. Official Transcripts

CECOM SEC will comply with 85 FR 78829, as amended, to waive the requirement to have official transcripts prior to establishing an entrance-on-duty (EOD).

##### 6. Use of USAJobs Flyers

CECOM SEC will have authority to determine when to utilize USAJobs flyers to solicit for CECOM SEC STRL Demo project positions in compliance with 85 FR 57842, as amended, for implementation.

##### 7. Security Eligibility

CECOM SEC has the authority to appoint individuals to Critical-Sensitive and Special-Sensitive (SS) positions prior to a final favorable eligibility determination at the Top Secret/Sensitive Compartmented Information (SCI)-level using 85 FR 78829, as amended for implementation.

##### *F. Flexible Length and Renewable Term Technical Appointments (FLRTTA) and Flexible Length and Renewable Term Appointments for Support Positions (FLRTA)*

CECOM SEC may use the FLRTTA workforce shaping tool to appoint qualified candidates to any STEM positions, including technicians who are not currently DoD civilian employees or are currently DoD term employees, for a period of more than one year but not more than six years. CECOM SEC will use 82 FR 43339, as amended for implementation.

CECOM SEC may use FLRTA to appoint qualified candidates whose positions involve 51 percent or more of time spent in direct support of STRL activities, for a period of more than one year but not more than six years, as provided in 85 FR 78839, and 82 FR 43339, as amended, for implementation. The guidance that follows is applicable to both FLRTTA and FLRTA qualified candidates unless stated otherwise.

##### 1. Probationary or Trial Period

The probationary period for all newly hired permanent career-conditional employees and trial periods for term appointments will be three years. The purpose of a three-year probationary or trial period is to allow supervisors adequate time to fully evaluate an employee's ability to complete cycles of work and to fully assess an employee's contribution and conduct. All other features of the current probationary or trial period are retained to include the requirements for determining creditable service and the potential to terminate an employee, without providing the full substantive and procedural rights afforded to a non-probationary employee, when the employee fails to demonstrate proper conduct, competency, and/or adequate contribution during the probationary period.

If a probationary employee's performance is determined to be satisfactory at a point prior to the end of the three-year probationary period, a supervisor has the option of ending the probationary period at an earlier date, but not before the employee has completed at least one year of

continuous service. If the probationary period is terminated before the end of the three-year period, the supervisor will provide written reasons for the decision to the next level of supervision for concurrence prior to implementing the action.

## 2. Termination of Probationary Employees

When terminating probationary or trial employees, supervisors must work with their management employee relations (MER) point of contact (POC) within the U.S. Army CHRA to ensure that all documentation supports the termination and follows required guidelines for termination of employment.

When a supervisor decides to terminate an employee during the probationary or trial period, the supervisor shall terminate the employee, in writing, stating the reasons for termination and the effective date of the action.

## 3. Supervisory Probationary Periods

New supervisors will be required to complete a supervisory probationary period for initial appointment to a supervisory position. The probationary period for supervisory employees is one year but may be extended to up to two years, at the discretion of the SEC Director, when further review is needed to evaluate the level of successful performance. If, during this supervisory probationary period, the decision is made to return the employee to a non-supervisory position for reasons related to supervisory performance, the employee will be returned to a position comparable in pay and job duties to the position from which they were originally promoted or re-assigned. The return to a non-supervisory position will result in a return to salary that the employee received immediately prior to the appointment to a supervisory position. Supervisors must coordinate with their MER POC within the U.S. Army CHRA to ensure that all documentation supports the re-assignment/modification back to a non-supervisory position.

## 4. Re-Employment of Annuitants

CECOM SEC will use the authorities provided by 82 FR 43339, as amended, to appoint reemployed annuitants, as applicable and appropriate.

## 5. Student Loan Repayment

CECOM SEC may provide student loan repayment options, as authorized in 85 FR 78829, as amended, that are in line with current tuition costs and the amount may be adjusted based on

inflation without higher-level command approval. The SEC Director can authorize the increase, as appropriate and applicable. This decision-authority provides the ability for CECOM SEC to repay all, or part of, an outstanding and qualifying student loan or loans that were previously assumed by the employee or candidate prior to employment with CECOM SEC.

## *G. Volunteer Emeritus and Expert Program (VEP)*

The CECOM SEC STRL Demo project will have the authority to offer voluntary assignments to former Federal employees who have retired or separated from the Federal service and U.S. citizens who are retired, separated, or on sabbatical from private or public sector organizations.

Volunteer emeritus will ensure continued quality research while reducing the overall salary line by allowing higher paid individuals to accept retirement incentives with the opportunity to retain a presence in the scientific community. Volunteer experts will bring commercial sector or public sector knowledge and experience to the CECOM SEC STRL Demo project. The volunteers will not be used to replace any Government personnel or interfere with their career opportunities. Volunteers may not be used to replace or substitute for work performed by Government personnel occupying positions required to perform the CECOM SEC STRL Demo project mission requirements. Volunteer assignments are not considered "employment" by the Federal Government with some noted exceptions.

To be accepted as a volunteer, an individual must be a U.S. citizen and must be recommended by a CECOM SEC manager to the CECOM SEC approval authority. There is no assumed entitlement to participate in the program and an application to the program does not guarantee acceptance into the program. CECOM SEC will clearly document the decision process/rationale for each volunteer application received regardless of whether the applicant is accepted or rejected from the program. The application, support documentation sent for consideration with the application, CECOM SEC decision process/rational, and the decision adjudication documentation must be retained throughout the assignment; one year for accepted applicants and two years for rejected applicants.

Volunteer participants will not be permitted to perform any Inherently Governmental Functions or to

participate in any contracts or solicitations for which the participant may have a conflict of interest. Volunteer participants are not permitted to participate in contract source selections, nor are they, permitted to have access to contractor bid, proposal information, source selection information, or to data/information that is protected by the Trade Secrets Act, 18 U.S.C. 1905, without a written agreement between the volunteer and the owner of the data or that information.

To ensure success and encourage participation in the volunteer emeritus part of the VEP, the volunteer's Federal retirement pay (whether military or civilian) will not be affected while serving in a volunteer capacity under the VEP. Retired or separated Federal employees may accept a volunteer emeritus position without a break or mandatory waiting period. An agreement will be established between the volunteer and CECOM SEC, and the agreement will be reviewed by the servicing legal office.

The agreement must be finalized prior to the assumption of any duties under the VEP. The agreement will include:

(a) A statement that the voluntary assignment does not constitute an appointment in the civil service and is without compensation, and that all claims against the Government (because of the voluntary assignment), are waived by the volunteer;

(b) A statement that the volunteer will be considered a federal employee solely for the purpose of and under the authorities of:

(1) 18 U.S.C. 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913;

(2) 31 U.S.C. 1343, 1344, and 1349(b);

(3) 5 U.S.C. chapters 73 and 81;

(4) The Ethics in Government Act of 1978;

(5) 41 U.S.C. chapter 21;

(6) 28 U.S.C. chapter 171 (tort claims procedure), and any other Federal tort liability statute; and

(7) 5 U.S.C. 552a (records maintained on individuals)

(c) The volunteer's work schedule;

(d) The length of the agreement (defined by length of project or time defined by weeks, months, or years)

(e) The support to be provided by SEC (travel, administrative, office space, supplies);

(f) The volunteer's duties;

(g) A provision allowing either party to void the agreement with at least two working days' written notice;

(h) A provision that states no additional time will be added to a volunteer's service credit for such

purposes as retirement, severance pay, or leave as a result of participating in the VEP;

(i) The level of security access required (any security clearance required by the assignment will be managed by CECOM SEC while the participant is a member of the VEP);

(j) A provision that any written products prepared for publication that are related to VEP participation will be submitted to CECOM SEC for pre-publication review and approval;

(k) A statement that the volunteer accepts accountability for loss or damage of any assigned Government property occasioned by the volunteer's negligence or willful action;

(l) A statement that the activities of the volunteer on the premises will conform to the regulations and requirements of the organization;

(m) A statement that the volunteer will not improperly use or disclose any non-public information, to include any pre-decisional or draft deliberative information related to DoD

programming, budgeting, resourcing, acquisition, procurement, or any other matter for the benefit or advantage of the volunteer or any non-Federal entities. Volunteers will handle all non-public information in a manner that reduces the possibility of improper disclosure;

(n) A statement that the volunteer agrees to disclose any inventions made in the course of work performed for CECOM SEC, and CECOM SEC will have the option to obtain title to any such invention on behalf of the U.S. Government.

Should the SEC Director elect not to take title, CECOM SEC will retain a non-exclusive, irrevocable, paid up, royalty-free license to practice or have practiced the invention worldwide on behalf of the U.S. Government;

(o) A statement that the volunteer must complete either a confidential or public Financial Disclosure Report, whichever applies; a disqualification statement prohibiting the volunteer from working on matters related to their former employer; and ethics training IAW Office of Government Ethics regulations prior to implementation of the written agreement; and

(p) A statement that the volunteer must receive post-Government employment advice from a DoD Ethics counselor at the conclusion of program participation. Volunteers are deemed Federal employees for purposes of post-Government employment restrictions.

A written Memorandum of Agreement (MOA) between CECOM SEC and the volunteer is required and must include all items above, regardless of format used. The use and wording of the MOA

will be provided in a CECOM SEC STRL Demo IOP.

#### *H. Internal Placement*

##### **1. Promotion**

A promotion is the movement of an employee to a higher pay band in the same occupational family or to another pay band in a different occupational family, wherein the band in the new family has a higher maximum salary than the band from which the employee is moving. When filled, positions with known promotion potential to a specific band within an occupational family will be identified; not all positions in an occupational family will have promotion potential to the same band. The movement from one career path to another will depend upon individual competencies, qualifications, and the needs of the organization. Salary progression within a pay band is not considered a promotion and not subject to the provisions of this section with some noted exceptions.

Promotions will be processed under competitive procedures IAW Merit System Principles and requirements of the local merit promotion plan. For an employee to be promoted competitively or non-competitively from one band to the next, the employee must meet the minimum qualifications for the job and have a current performance rating of "acceptable" with a score of 30 or better (or equivalent) in their current assigned performance appraisal system. If an employee does not have a current performance rating, the employee will be treated the same as an employee with an "acceptable" rating if there is no documented evidence of unacceptable performance. The following actions are exceptions from competitive procedures:

(a) Re-promotion to a position which is in the same pay band or GS equivalency and occupational family that the employee previously held on a permanent basis within the competitive service;

(b) Promotion, reassignment, demotion, transfer, or reinstatement to a position having promotion potential no greater than the potential of a position an employee currently holds or previously held on a permanent basis in the competitive service;

(c) A position change permitted by reduction in force procedures;

(d) Promotion without current competition when the employee was appointed through competitive procedures to a position with a documented career ladder;

(e) A temporary promotion, or detail to a position in a higher pay band, of one year or less;

(f) A promotion due to the reclassification of positions based on accretion (addition) of duties;

(g) A promotion resulting from the correction of an initial classification error or the issuance of a new classification standard;

(h) Consideration of a candidate who did not receive proper consideration in a competitive promotion action; and

(i) Impact of person in the job and Factor IV process (application of the Research Grade-Evaluation Guide, Equipment Development Grade-Evaluation Guide, Part III, or similar guides) promotions.

##### **2. Reassignment**

A reassignment is the movement of an employee from one position to a different position within the same career path and pay band or to another career path and pay band wherein, the pay band in the new career path has the same maximum base pay. The employee must meet the qualification requirements for the career path and pay band.

##### **3. Placement in a Lower Pay Band**

An employee may be placed in a lower pay band within the same career path or placement into a pay band in a different career path with a lower maximum base pay. This change may be voluntary based on a request from the employee or involuntary, for cause (performance or conduct), or for reasons other than cause (e.g., erosion of duties, reclassification of duties to a lower pay band, or placement actions resulting from Reduction in Force (RIF) procedures). Involuntary actions will be executed using the applicable procedures in 5 U.S.C. 43 and 5 U.S.C. 75.

##### **4. Detail and Temporary Promotions**

Employees may be detailed (an assignment requiring a different level of expertise and qualifications) to a position in the same pay band, lower pay band, or higher pay band. An initial detail will not exceed six months but may be extended up to one year. The time spent in one or more detail assignment may not exceed one year out of a two-year period where the time served is calculated from the effective date of the initial action. Details may be done competitively or non-competitively without a change in pay.

Temporary promotions (movement to a position in a pay band with a higher maximum salary) may be done non-competitively up to one year; beyond

one year requires competitive procedures. Temporary promotions are generally assignments not to exceed one year but may be extended for up to two years. Circumstances allowing an extension beyond one-year will be identified in a CECOM SEC STRL Demo IOP. Employees selected for temporary promotions may only be permitted to serve a maximum of two years out of a three-year period from the effective date of the initial action. Competitive and non-competitive temporary promotions are eligible for a pay adjustment up to six percent of the current base salary or the minimum salary of the next higher band to which they will be promoted.

#### *I. Pay Setting*

##### **1. General**

Pay administration policies will be established by the CECOM SEC STRL Demo PMB. These policies will be exempt from Army Regulations or local pay setting policies. The SEC Director shall have delegated authority to make full use of recruitment, retention, and relocation payments as currently provided for by OPM.

##### **2. Pay and Compensation Ceilings**

Under a Demo project, the total monetary compensation paid in a calendar year for an employee cannot exceed the base pay of Level I of the Executive Schedule consistent with 5 U.S.C. 5307 and 5 CFR part 530, subpart B, except for employees placed in an SSTM position. Further, each pay band will have its own pay ceiling, just as grades do in the GS system. Base pay rates for the various pay bands will be directly tied to the GS rates, except for E&S Level V (SSTMs). Other than where a retained rate applies, base pay will be limited to the maximum base pay that is payable. The minimum basic pay for SSTM positions is 115 percent of the minimum rate of basic pay for GS-15. The maximum SSTM basic pay with locality pay is limited to Executive Level III (EX-III), and the maximum salary without locality pay may not exceed EX-IV.

##### **3. Pay Setting for Appointment**

For initial appointments to Federal service, the individual's pay may be set at the lowest base pay in the pay band or anywhere within the pay band consistent with the special qualifications of the individual, specific organizational requirements, the unique requirements of the position, or other compelling reasons. These special qualifications may be in the form of education, training, experience, or any combination thereof that is pertinent to

the position in which the employee is being placed. Guidance on pay setting for new hires will be documented in a CECOM SEC STRL Demo IOP.

##### **4. Pay Setting for Promotion**

The minimum base pay increase upon promotion will be six percent or the minimum base pay rate of the new pay band, whichever is greater. The maximum amount of a pay increase for a promotion may be up to the top of the pay band consistent with the special qualifications of the individual, specific organizational requirements, the unique requirements of the position, or other compelling reasons. Any additional criteria will be specified in a CECOM SEC STRL Demo IOP.

For employees assigned to occupational categories and geographic areas covered by special salary rates, the minimum base pay is the minimum rate in the pay band or the corresponding special salary rate or locality rate, whichever is greater. The maximum base pay is the maximum rate in the pay band, or the top of the special salary rate pay table. When a temporary promotion is terminated, the employee's pay entitlements will be re-determined based on the employee's position of record, with appropriate adjustments, to reflect pay events during the temporary promotion and it is subject to the specific policies and rules established in IOP to cover this procedure. The resulting salary may not exceed the maximum rate of the pay band.

##### **5. Pay Setting for Reassignment**

A reassignment may be made without a change in the employee's base pay. Where a re-assignment, whether competitive or non-competitive, significantly increases the complexity, responsibility, authority, or for other compelling reasons, an Associate Director or above may grant up to a six percent base pay increase. For pay increases that are six percent or more, these actions must be approved by the SEC Director. The resulting salary may not exceed the maximum rate of the pay band. Specific guidance will be established in the CECOM SEC STRL Demo IOP.

##### **6. Pay Setting for Change to Lower Pay Band**

Employees subject to an involuntary change to the lower pay band for cause (performance or conduct) or voluntary change to lower pay band (request or selection to new position) are not entitled to pay retention and may receive a decrease in base pay. Employees subject to an involuntary change to a lower pay band for reasons

other than cause (e.g., erosion of duties, reclassification of duties to a lower pay band, or placement actions resulting from RIF procedures) may be entitled to pay retention IAW the provisions of 5 U.S.C. 5363 and 5 CFR part 536, except as waived or modified within this CECOM SEC STRL Personnel Demo project plan.

An employee may volunteer for a change to a lower band for his or her own convenience or benefit, which may be in the same or different career path, and results in reduction to a lower pay band. The salary cannot be set above the maximum for the new band or above the employee's salary immediately prior to the change. Any form of rate retention is terminated.

##### **7. Supervisory and Team Leader Pay Adjustments and Differentials**

Supervisory and Team Lead pay adjustments and differentials are incentive payments that differ from increases to base pay. These adjustments and differentials can be used to further compensate supervisors, and team leads in situations where salary inequities may exist and/or exemplary supervisory or team leader performance has been demonstrated and warrants additional compensation.

Adjustments and differentials differ in that adjustments are paid as an increase to base pay, while differentials are paid in the form of a bi-weekly bonus. Neither, an adjustment or differential, is automatic by virtue of holding a supervisory or team leader position. Supervisors and team leads are recognized with the word supervisory or lead in their position description title which means they spend at least 25% of their time carrying out supervisory or team lead responsibilities.

Neither adjustments or differentials are funded by pay pool dollars. Pay Adjustments do not apply to employees in pay band V of the E&S Occupational Family. These incentives may be approved by the SEC Director based on the recommendation of the CECOM SEC STRL Demo PMB to compensate employees with supervisory or team lead responsibilities. Any further Criteria and/or additional guidance will be established in a CECOM SEC STRL Demo IOP.

##### **8. Accelerated Compensation for Developmental Positions (ACDP)**

The ACDP process will be used to recognize the development of job-related competencies of employees in training programs, internships, or other developmental capacities. The use of ACDP's may be provided to employees in positions that cross bands within a

career path (formally known as career ladder positions) or developmental positions within a band. All CECOM SEC supervisors, at the GS-15 equivalency, may authorize a basic pay increase for employees participating in a program that's supported by the ACDP process. Any additional guidance will be established in a CECOM SEC STRL Demo IOP.

#### 9. Supplemental Pay

The SEC Director may establish supplemental pay rates based on market conditions to help attract, recruit, and retain a high-caliber workforce. CECOM SEC will use the supplemental pay rate provisions described in 87 FR 72462, as amended, for implementation.

#### 10. Retention Counteroffers

The SEC Director will comply with 89 FR 44648, as amended, to offer a retention counter offer for the retention of high performing employees in scientific, technical, or administrative positions, in any career field who present credible evidence of an alternative employment opportunity (Federal or non-Federal organizations) with higher compensation. Employees must sign a service agreement prior to receiving any retention incentive payments authorized under this FRN. Pay retention will follow current law and regulations at 5 U.S.C. 5363, and 5 CFR part 536, except as waived or modified, in Section IX of this plan.

#### J. Employee Development

##### 1. Training for Degrees

Degree training is an essential component of an organization that requires continuous acquisition of advanced and specialized knowledge. Degree training in the academic environment of laboratories is also a critical tool for recruiting and retaining employees with critical skills. Constraints, under current law and regulations, limit degree payments to occupations that are considered limited to shortage occupations. In addition, current Government-wide regulations authorize payment for degrees based only on recruitment or retention needs. Degree payment is currently not permitted for non-shortage occupations involving critical skills.

CECOM SEC may expand the authority to provide degree training for purposes of meeting critical skill requirements, to ensure continuous acquisition of advanced and specialized knowledge essential to the organization, or to recruit and retain personnel critical to the present and future requirements of the organization. It is

expected that the degree payment authority will be used primarily for attainment of advanced degrees. CECOM SEC will document guidelines for using this authority in a CECOM SEC STRL Demo IOP.

##### 2. Sabbaticals

CECOM SEC may grant paid sabbaticals to career employees to permit them to engage in study or uncompensated work experience that will contribute to their development and effectiveness. Each sabbatical should benefit CECOM SEC, as well as increase the employee's individual effectiveness. An example would be advanced academic teaching, study, or research; self-directed (independent) or guided study; or on-the-job work experience with a public, private, or nonprofit organization. Each recipient of a sabbatical must sign a continued service agreement and agree to serve a period equal to at least three times the length of the sabbatical. Any additional guidance will be established in a CECOM SEC STRL Demo IOP.

##### 3. Expanded Developmental Opportunities Program

The Expanded Developmental Opportunities Program will be available to all Demo project employees. These expanded developmental opportunities will complement existing developmental opportunities such as long-term training, rotational job assignments, developmental assignments within DoD, and self-directed study via correspondence courses and local colleges and universities.

Each developmental opportunity must result in a product, service, report or study that will benefit CECOM SEC or customer organization as well as increase the employees' individual effectiveness. The developmental opportunity period will not result in loss of (or reduction) in basic pay, leave to which the employee is otherwise entitled, or credit for service time. The developmental opportunity will be documented with the gaining organization, within a memorandum of understanding, to include expected assignments the positions of employees on expanded developmental opportunities may be backfilled *i.e.*, with temporary assignment, detailed or promoted employees, or with term employees. The position must be made available to the employee upon return from the developmental period. When the position of record is no longer available, the employee will be placed in an equivalent position with the same salary, pay band, and similar

responsibilities to the positions they held prior to their developmental opportunity. Any additional guidance will be established in a CECOM SEC STRL Demo IOP. The IOP will include written guidance for employees on application procedures and develop a process that will be used to review and evaluate applicants for development opportunities.

#### K. Voluntary Early Retirement Authority (VERA) and Voluntary Separation Incentive Pay (VSIP)

CECOM SEC will follow 82 FR 43339, as amended, and all the authorities authorized by section 1109 of the fiscal year 2016 NDAA to offer VERA and VSIP, as appropriate, whenever such incentives will help to shape the laboratory workforce to better fulfill mission requirements and achieve the optimum workforce balance.

VERA/VSIP incentives may be offered to the entire CECOM SEC STRL Demo workforce pursuant to the legislation and waivers in 82 FR 43339.

#### IV. Conversion

##### A. Conversion Into the Demonstration Project

The initial entry of CECOM SEC employees into the CECOM SEC STRL Demo project from the CECOM SEC Acq Demo project will be accomplished through a full employee protection approach that ensures no loss in pay band status based on GS grade equivalency and no loss of pay and/or earning potential.

The conversion process will include the determination of the GS equivalency of each employee within the current Acq Demo pay band and using the GS step 4 representative rate rule to identify the appropriate pay band for placement into the CECOM SEC STRL Demo project. The employee's current salary is compared to the GS step 4 rate in the pay band with the highest applicable GS rate range. When the salary equals or exceeds the applicable step 4 rate of the highest GS grade in the band, the employee is converted to that grade. When the salary is lower than the applicable step 4 rate of the highest grade, the adjusted rate is compared with the step 4 rate of the second highest grade in the employee's pay band. If the salary equals or exceeds the step 4 rate of the second highest grade, the employee is converted to that grade. This process is repeated for each successively lower grade in the band until a grade is found in which the salary equals or exceeds the applicable step 4 rate of the grade.

The NH-04 pay banded employees will convert to the DE-III, CAT-2 and DB-III pay bands to remain consistent with the intent for their current pay to extend to the GS-14, step 10 full potential. Only those employees whose salary exceeds the GS-15 step 4 grade will convert to the DE or DB-IV pay bands. Backfilling of these positions will be accomplished at the DE-III, CAT-2 or DB-III pay bands, unless the position is restructured, to a position with higher responsibility at the Division Chief, Director, Chief Engineer/Data Officer or Senior Professional level.

The CECOM SEC Acq Personnel Demo project pay bands include both E&S and B&T career paths in one path and these will be separated into different paths upon conversion into the CECOM SEC STRL Personnel Demo project. Employees are placed in a career path (*i.e.*, DB, DE, DK) based upon their occupational series and into a pay band that includes their current GS grade equivalency. Employees in Computer Science (1550), Data Science (1560), Computer Engineering (0854), or Electronics Engineering (0855) positions will convert into the E&S (Pay Plan DB). The employees in the Information Technology (2210), Security Administration (0080), Administration (0301, 0340, 0343, 0346), General Arts and Information (1101) and Supply (2001 and 2003) positions will convert into B&T (Pay Plan DE). Employees in the Secretarial (0318) positions will convert into GEN (Pay Plan DK).

Under the DE-III pay band there are two full performance levels defined as: (1) CAT-1 including equivalent GS grades 12 and 13 with a full performance level GS-13 step 10, and (2) CAT-2 including equivalent GS grades 12 through 14 with a full performance level at the GS-14 step 10. The DE-III, CAT-2 pay band includes Branch Chiefs, Team Leads and incorporates Technical Champions including those converting from Acq Demo at the NH-04 band with a control point and grade equivalency at the GS-14 level and full performance level of GS-14 step 10 who have a current salary less than the GS-15 step 4 rate. The placement of a GS-14 equivalent position into pay band III is not considered placement in a lower-graded position when converting from an NH-04 position, as the DE III CAT-2 comes with the same grade equivalency and salary potential. Any additional guidance will be established in a CECOM SEC STRL Demo IOP. The conversion operations will be overseen by the CECOM SEC STRL Demo PMB.

All future DE III, CAT-2 Technical Champion positions may be filled,

based on mission requirements for this level of expertise and proper classification of job duties. Each employee's initial total salary under the CECOM SEC STRL Demo project will be equal to the total salary received under the CECOM SEC Acq Demo project, prior to conversion. Pay retention will be provided to employees whose pay exceeds their assigned pay band in the CECOM SEC STRL Demo project.

Employees serving under temporary promotions will be returned to their position of record prior to conversion into CECOM SEC STRL Demo project. Once converted into Demo, the employee will be placed back into the temporary position using the initial established NTE date.

Employees serving under temporary and term appointments will be converted and placed on a new appointment under the temporary and term guidance identified in this FRN to continue their temporary and term appointments up to their established, current NTE date. After conversions, extensions of temporary appointments will be made under the new appointment identified in this FRN while using the initial appointment dates to calculate the timeframe of the extended appointment.

Conversion rules will apply to employees who are involuntarily reassigned to the CECOM SEC STRL Demo project. When employees converting into the CECOM SEC STRL Demo project from the GS pay plan or when the conversion into the Demo is accompanied by a geographic move, the employee's equivalent GS pay entitlements to include the within grade increase (often referred to as the WIGI buy-in) and/or the new geographic area must be determined before performing the pay conversion. Grade retention provisions under 5 U.S.C. 5362 and 5 CFR part 536 will not be applicable to the CECOM SEC STRL Demo project, as employees are converted into pay bands with the same grade equivalency as the pay plan from which they were converted. For purposes of actions within the CECOM SEC STRL Demo project that provide entitlement to pay retention, the standard provisions of pay retention under 5 U.S.C. 5363, 5 CFR part 536, and applicable DoD Instructions will apply, except as waived or modified, under this FRN. Wherever the term "grade" is used in the law or regulation, the term "pay band" will be substituted. The CECOM SEC STRL Demo project may grant pay retention to employees who meet general eligibility requirements, but does not have specific entitlement by law, provided the employees are not

specifically excluded. The CECOM SEC STRL Demo will allow SSTMs to receive pay retention as described in 79 FR 43727, as amended.

Employees who have completed an initial probationary period prior to conversion will not be required to serve a new or extended initial probationary period. Employees who are serving an initial probationary period upon conversion will serve the time remaining on the probationary period for their current position/assignment. Employees who have completed a supervisory probationary period prior to conversion will not be required to serve a new or extended supervisory probationary period while in their current position. Upon conversion, employees who are currently serving on a supervisory probationary period will serve the time remaining on their supervisory probationary period.

#### *B. Conversion or Movement From a Project Position to a General Schedule Position*

If the CECOM SEC STRL Demo project ends and employees move back to the GS system, the following procedures will be used to convert the employees' Demo career path and pay band to a GS equivalent grade, and the employees' Demo rate of pay to the GS equivalent rate of pay.

(1) The converted GS grade and GS rate of pay must be determined before movement or conversion out of the Demo project and any accompanying geographic movement, promotion, or other simultaneous action;

(2) For conversions upon the termination of the Demo project and for lateral reassignments, the converted GS grade and rate will become the employee's actual GS grade and rate;

(3) For employee movement from within DoD (transfers), promotions, and other actions, the converted GS grade and rate will be used in applying any GS pay administration rules that are applicable, in connection with, the employee's movement out of the Demo project (*e.g.*, promotion rules, highest previous rate rules, and pay retention rules) as if the GS converted grade and rate were in effect immediately before the employee left the Demo project.

#### *i. Grade Setting Provisions*

An employee in a pay band corresponding to a single GS grade is converted to that grade. An employee in a pay band corresponding to two or more grades is converted to one of those grades according to the following criterion:

(a) The employee's adjusted rate of basic pay under the Demo project

(including any locality payment) is compared with step 4 rates on the highest applicable GS rate range. (For this purpose, a "GS rate range" includes a rate in (1) the GS base schedule, (2) the locality rate schedule for the locality pay area in which the position is located, or (3) the appropriate special salary rate schedule for the employee's occupational series, as applicable.) If the series is a two-grade interval series, odd-numbered grades are considered below GS-11.

(b) If the employee's adjusted project rate equals or exceeds the applicable step 4 rate of the highest GS grade in the band, the employee is converted to that grade.

(c) If the employee's adjusted project rate is lower than the applicable step 4 rate of the highest grade, the adjusted rate is compared with the step 4 rate of the second highest grade in the employee's pay band. If the employee's adjusted rate equals or exceeds step 4 rate of the second highest grade, the employee is converted to that grade.

(d) This process is repeated for each successively lower grade in the pay band until a grade is found in which the employee's adjusted project rate equals or exceeds the applicable step 4 rate of the grade. The employee is then converted at that grade. If the employee's adjusted rate is below the step 4 rate of the lowest grade in the pay band, the employee is converted to the lowest grade.

(e) A point of exception is when an employee will not be converted to a lower grade than the grade held immediately preceding a conversion, lateral reassignment, or upon transfer from within DoD into the Demo project, unless since that time the employee has undergone a reduction in pay band or accepted a lower pay band position.

If an employee is retaining a rate under the Demo project, the employee's GS-equivalent grade is the highest grade encompassed in the employees' pay band.

#### ii. Equivalent Increase Determinations

Any service under the CECOM SEC STRL Demo project is creditable for within-grade increase (WGI) purposes upon conversion back to the GS pay system. Performance pay increases (including a zero increase) under the Demo project are equivalent increases for the purpose of determining the commencement of a WGI waiting period under 5 CFR 531.405(b).

#### iii. Termination of Coverage Under the Demonstration Project Pay Plans

If the employees' coverage under the CECOM SEC STRL Demo project pay

plan is terminated, employees move with their position to another applicable and appropriate system within CECOM SEC. The grade or pay band of their position in the new system will be based upon the position classification criteria of the gaining system. Employees may be eligible for pay retention under 5 CFR part 536 when converted to their position under the new system, if applicable. All personnel laws, regulations, and guidelines, not waived by the Demo project plan or new system, will remain in effect. Basic employee rights will be safeguarded, and Merit System Principles will be maintained. An employee in Level V of the E&S occupational family will convert out of the Demo project at the GS-15 level. Procedures will be documented in an organizational IOP to ensure that employees entering Level V understand that if they leave the Demo project and their adjusted base pay under the Demo project exceeds the highest applicable GS-15, step 10 rate, they are entitled to retained pay but not retained grade.

#### V. Implementation Training

Critical to the success of the CECOM SEC STRL Demo project is the training developed to promote understanding of the broad concepts and finer details needed to implement and successfully execute the Demo project. Training will be tailored to address employee concerns and to encourage comprehensive understanding of the demonstration project. Training will be required both prior to implementation and at various times during the life of the demonstration project. A training program will begin prior to implementation and will include modules tailored for employees, supervisors, and administrative staff. Typical modules would be:

- (1) An overview of the demonstration project personnel system
- (2) How employees are converted into and out of the system
- (3) Career paths and pay banding
- (4) The PFP system
- (5) Defining performance objectives
- (6) How to assign weights to performance elements
- (7) Assessing performance and giving feedback
- (8) New position descriptions
- (9) Demonstration project administration and formal evaluation.

Various types of training are being considered, including instructor led in person training, videos, teleconference tutorials, and train-the-trainer concepts. To the extent possible, materials developed by other STRLs will be utilized when appropriate to reduce

implementation cost and to maintain consistency in application of similar procedures across laboratories.

#### VI. Project Maintenance and Changes

Many aspects of a Demo project are experimental. Minor modifications to CECOM SEC STRL Demo project may be made from time to time as experience is gained, results are analyzed, and conclusions are reached on how the system works. Flexibilities published in this FRN shall be available for use by all DoD STRLs, if they wish to adopt them.

#### VII. Evaluation Plan

##### A. Overview

Title 5 U.S.C. chapter 47 requires that an evaluation be performed to measure the effectiveness of the Demo project and its impact on improving public management. In 1995, a joint OPM/DoD Evaluation Committee conducted a comprehensive evaluation plan for the entire STRL demonstration program. This plan was submitted to the Office of Defense Research & Engineering (now renamed Office of the Under Secretary of Defense for Research and Engineering) and was subsequently approved. The main purpose of the evaluation is to determine whether the waivers granted result in a more effective personnel system and improvements in ultimate outcomes (*i.e.*, organizational effectiveness, mission accomplishment, and customer satisfaction).

The plan, while useful, is dated and does not fully afford the DoD Laboratories the ability to evaluate all aspects of the Demo project in a way that fully facilitates assessment and effective modification based on actionable data. Therefore, in conducting the evaluation, CECOM SEC will ensure that the evaluation plan requirements are applied, along with knowledge gained from the other DoD Laboratories and their evaluations to ensure a timely and effective evaluation of the CECOM SEC STRL Demo project.

##### B. Evaluation Model

The evaluation model for the CECOM SEC STRL Demo project will identify elements critical to an evaluation of the effectiveness of the flexibilities. However, the focus of the evaluation will be on intermediate outcomes, *i.e.*, the results of specific personnel system changes which are expected to improve human resources management. The ultimate outcomes are defined as improved organizational effectiveness, mission accomplishment, CECOM SEC customer satisfaction, and increased employee retention.

C. Method of Data Collection

Data from a variety of different sources will be used in the evaluation. Information from existing management information systems, supplemented with perceptual survey data from employees, will be used to assess variables related to effectiveness. Multiple methods provide more than one perspective on how the CECOM SEC STRL Demo project is working. Information gathered through one method will be used to validate information gathered through another method. The confidence in the findings will increase as they are substantiated by the different collection and validation methods. The following types of qualitative and/or quantitative data

- may be collected as part of the evaluation:
- (1) Workforce data;
  - (2) Personnel office data;
  - (3) Employee attitudes and feedback using surveys, structured interviews, and focus groups;
  - (4) Local activity histories; and/or
  - (5) Core measures of laboratory effectiveness.

VIII. Demonstration Project Costs

A. Cost Discipline

An objective of the Demo project is to ensure in-house cost discipline. A baseline will be established at the start of the project and labor expenditures will be tracked yearly. Implementation costs (including project development, automation costs, step buy-in costs, and evaluation costs) are considered one-

time costs and will not be included in the cost discipline. The CECOM SEC STRL Demo PMB will track personnel cost changes and recommend adjustments, if required, to achieve the objective of cost discipline.

B. Development Costs

Costs associated with the development of the Demo project include software automation, training, and project evaluation. All funding will be provided through the organization's budget. The Demo project evaluation costs are not expected to continue beyond the first five years unless the results warrant further evaluation. Additional costs may be incurred as a part of the implementation and operation of the project.

Figure 6: STRL Personnel Demonstration Project Costs

|                    | FY24  | FY25  | FY26  | FY27  | FY28  |
|--------------------|-------|-------|-------|-------|-------|
| Automation         | \$15K | \$8K  | \$8K  | \$8K  | \$8K  |
| Project Evaluation | \$2K  | \$2K  | \$2K  | \$2K  | \$2K  |
| Total              | \$17K | \$10K | \$10K | \$10K | \$10K |

IX. Required Waivers to Laws and Regulations

The following waivers and adaptations of certain title 5 U.S.C. and title 5 CFR provisions are required only to the extent that these statutory provisions limit or are inconsistent with the actions contemplated under this demonstration project. Nothing in this plan is intended to preclude the Demo project from adopting or incorporating any law or regulation enacted, adopted, or amended after the effective date of this demonstration project.

A. Waivers to Title 5, United States Code

- (1) Chapter 31, section 3104. Employment of Specially Qualified Scientific and Professional Personnel. Waived to allow SSTM authority;
- (2) Chapter 31, section 3132. The Senior Executive Service: Definitions and exclusions. Waived as necessary to

- allow for the Level V SSTM authority of the E&S pay band;
- (3) Chapter 33, subchapter I. Examination, Certification, and Appointment. Waived except for sections 3302, 3321, and 3328 to the extent necessary to allow direct hire authority for qualified candidates whose positions involve 51 percent or more of time spent in direct support of SEC activities, are identified by STRLs as hard to fill, have a history of high turnover, or require unique, laboratory-related skillsets; and to the extent necessary to allow employees appointed on flexible-length and renewable-term appointments to apply for Federal positions as status candidates;
  - (4) Chapter 33, section 3321: Competitive Service; Probationary Period. This section is waived only to the extent necessary to replace "grade" with "pay band" and to allow for probationary periods of three years for newly hired permanent career-

- conditional employees and trial periods for term appointments; the probationary period for supervisory employees may be extended up to two years.
- (5) Chapter 33, section 3324–3325: Appointments to Scientific and Professional Positions. Waived in its entirety to fully allow for positions above GS–15 and allow SSTMs.
  - (6) Chapter 33, section 3341: Waived, to extent to allow the time limits for details as described in this FRN.
  - (7) Chapter 35, section 3522: Agency VSIP Plans; Approval. Waived to remove the requirement to submit a plan to OPM prior to obligating any resources for voluntary separation incentive payments.
  - (8) Chapter 35, section 3523(b)(3): Related to voluntary separation incentive payments. Waived to the extent necessary to utilize the authorities authorized in this FRN.
  - (9) Chapter 41, section 4107(a)(1), (2), (b)(1), and (3): Pay for Degrees. Waived to the extent required to allow SEC to

pay for all courses related to a degree program approved by the STRLs.

(10) Chapter 41, section 4108(a)–(c): Employee agreements; service after training. Waived to the extent necessary to require the employee to continue in the service of SEC for the period of the required service and to the extent necessary to permit the STRL to waive in whole or in part a right of recovery.

(11) Chapter 43, section 4301–4305: Related to performance appraisal. These sections are waived to the extent necessary to allow provisions of the performance management system as described in this FRN.

(12) Chapter 51, section 5101–5112: Classification. Waived as necessary to allow for the demonstration project pay banding system.

(13) Chapter 53, section 5301–5307: Related to Pay Comparability System, Special Pay Authority, and General Schedule Pay Rates. Waived to the extent necessary to allow demonstration project employees, including SSTM employees, to be treated as GS employees, and to allow base rates of pay under the demonstration project to be treated as scheduled rates of pay. SSTM pay will not exceed EX–IV and locality adjusted SSTM rates will not exceed EX III.

(14) Chapter 53, section 5331–5336: General Schedule Pay Rates. Waived to the extent necessary to allow for the demonstration project's pay banding system and pay provisions as described in this FRN.

(15) Chapter 53, section 5361–5366: Pay retention. Waived to the extent necessary to allow pay retention provisions described in this FRN and to allow SSTMs to receive pay retention as described in 79 FR 43722 as amended.

(16) Chapter 53, section 5379(a)(1)(A) and (b)(2): Student Loan Repayment. Waived to the extent necessary to define agency as STRL and to allow provisions of the student loan repayment authority as described in this FRN.

(17) Chapter 55, section 5545(d): Hazardous duty differential. Waived to the extent necessary to allow demonstration project employees to be treated as GS employees. This waiver does not apply to employees in Level V of the E&S pay band.

(18) Chapter 57, section 5753–5755: Recruitment and relocation, bonuses, retention allowances, and supervisory differentials. Waived to the extent necessary to allow: (a) provisions of supervisory differentials as described in this FRN, (b) employees in Level V of the E&S pay band to be treated as ST employees, (c) provisions of the retention counteroffer and incentives as described in this FRN, and (d) to allow

SSTMs to receive supervisory pay differentials as described in 79 FR 43722 as amended.

(19) Chapter 75, Adverse Actions, sections 7501(1)—Waived to the extent necessary to apply probationary and trial period requirements described in this FRN.

(20) Chapter 75, Adverse Actions, 7511(a)(1)(A)(ii), (a)(1)(B) and (a)(1)(C)(ii)—Waived to the extent necessary to apply probationary and trial period requirements described in this FRN.

(21) Chapter 75, section 7512(3): Adverse actions. Waived to the extent necessary to replace “grade” with “pay band.”

(22) Chapter 75, section 7512(4): Adverse actions. Waived to the extent necessary to provide that adverse action provisions do not apply to (1) reductions in pay due to the removal of a supervisory or team leader pay adjustment/differential upon voluntary movement to a non-supervisory or non-team leader position or (2) decreases in the amount of a supervisory or team leader pay adjustment/differential during the annual review process.

(23) Chapter 99, section 9902(f): Related to Voluntary Separation Incentive Payments. Waived to the extent necessary to allow the provisions in this FRN.

#### *B. Waivers to Title 5, Code of Federal Regulations*

(1) Part 11 Probationary and Trial Periods, parts 11.2, 11.3 and 11.4—Waived to the extent necessary to apply probationary and trial period requirements described in this FRN.

(2) Part 212, section 212.301: Competitive Status Defined. Waived to the extent necessary to allow individuals on flexible-length and renewable term appointments to be considered status candidates as defined in this FRN.

(3) Part 300–330: Employment (General). Other than Subpart G of 300. Waived to the extent necessary to allow provisions of the direct hire authorities as described in 79 FR 43722, 82 FR 29280, and 85 FR 78829 as amended; direct hire authority for qualified candidates whose positions involve 51 percent or more of time spent in direct support of STRL activities, are identified by the STRLs as hard to fill, have a history of high turnover, or require unique, laboratory-related skillsets.

(4) Part 300, section 300.601–300.605: Time-in-Grade Restrictions. Waived to eliminate time-in-grade restrictions in the demonstration project.

(5) Part 316, section 316.301: Term employment. Waived to the extent necessary to allow modified term appointments and FLRTA/FLRTTA as described in this FRN.

(6) Part 330, section 330.104: Requirements for Vacancy Announcements. Waived to the extent necessary to allow an STRL to utilize a USAJobs flyer as published in this FRN.

(7) Part 332 and 335: Related to competitive examination and agency promotion programs. Waived to the extent necessary to allow no rating and ranking when there are 15 or fewer qualified applicants and no preference eligible candidates; allow the hiring and appointment authorities as described in this FRN; to extend the length of details and temporary promotions without requiring competitive procedures as described in 85 FR 78829 as amended and this FRN.

(8) Part 335, section 335.103: Agency Promotion Programs. Waived to the extent necessary to extend the length of details and temporary promotions without requiring competitive procedures

(9) Part 337, section 337.101(a): Rating applicants. Waived to the extent necessary to allow referral without rating when there are 15 or fewer qualified candidates and no qualified preference eligible candidates.

(10) Part 338, section 338.301: Competitive Service Appointment. Waived to the extent necessary to allow demonstrated exceptional experience or a combination of experience and education in lieu of meeting OPM individual occupational qualification requirements for E&S positions as described in 85 FR 78829 as amended and this FRN.

(11) Part 340, Subparts A–C: Other than full-time career employment. These subparts are waived to the extent necessary to allow a Voluntary Expert Program.

(12) Part 351, Subparts B, D, E, F, and G: Waived to the extent necessary to allow the provisions of RIF.

(13) Part 359, section 359.705: Related to SES Pay. Waived to allow demonstration project rules governing pay retention to apply to a former SES or ST placed on an SSTM position or Level IV position.

(14) Part 410, section 410.308(a–e): Training to obtain an academic degree. Waived to the extent necessary to allow provisions described in this FRN.

(15) Part 410, section 410.309: Agreements to Continue in Service. Waived to the extent necessary to allow the SEC Director to determine continued service requirements related to continued service agreements, to waive

repayment of such requirements and to the extent that the service obligation is to SEC. This also includes continued service agreements applicable to employees under the Student Educational Employment Program who have received tuition assistance.

(16) Part 430, Subpart B: Performance appraisal for GS, prevailing rate, and certain other employees. Waived to the extent necessary to be consistent with the demonstration project's pay-for-performance system.

(17) Part 432, section 432.102–432.106: Performance based reduction in grade and removal actions. Waived to the extent necessary to allow provisions described in the FRN.

(18) Part 511: Classification under the general schedule. Waived to the extent necessary to allow classification provisions outlined in this FR to include the list of issues that are neither appealable nor reviewable, the assignment of series under the project plan to appropriate career paths; and to allow appeals to be decided by the SEC Director.

(19) Part 531, Subparts B, D, and E: Determining the Rate of Basic Pay. Waived to the extent necessary to allow for pay setting and pay-for-performance under the provisions of the demonstration project. Within-Grade Increases and Quality Step Increases. Waived in its entirety.

(20) Part 531, Subpart F: Locality-based comparability payments. Waived to the extent necessary to allow (1) demonstration project employees, except employees in Level V of the E&S pay band, to be treated as GS employees; and (2) base rates of pay under the demonstration project to be treated as scheduled annual rates of pay.

(21) Part 536: Grade and pay retention. Waived to the extent necessary to Replace “grade” with “pay band;” Provide that pay retention provisions do not apply to conversions from GS special salary rates to demonstration project pay, as long as total pay is not reduced, and to reductions in pay due solely to the removal of a supervisory pay adjustment upon voluntarily leaving a supervisory position; Provide that pay retention provisions do not apply to movements to a lower pay band as a result of not receiving the general increase due to an

annual performance rating of record of unacceptable; and

(22) Part 536, section 536.306(a): Limitation on retained rates. Waived to the extent necessary (1) to allow SSTMs to receive pay retention as described in 79 FR 43727 as amended. (2) where the salary and grade equivalency will be maintained by employees converting from another pay plan into STRL Demo who exceed the top of the STRL Demo pay band salary.

(23) Part 537: Repayment of Student Loans. Waived to the extent necessary to define agency as STRL and to allow provisions of the student loan repayment authority as described in this FRN.

(24) Part 550, section 550.902: Definitions. Waived to the extent necessary to allow demonstration project employees to be treated as GS employees. This waiver does not apply to employees in Level V of the E&S pay band.

(25) Part 575, Subparts A–D: Recruitment incentives, relocation incentives, retention incentives, and supervisory differentials. Waived to the extent necessary to allow: (1) Employees and positions under the demonstration project covered by pay banding to be treated as described in this FRN, (2) To allow SSTMs to receive supervisory pay differentials as described in 73 FR 43727 as amended, and (3) To allow the Director to pay an offer up to 50 percent of base pay of either a base pay and/or a cash payment to retain quality employees; and to the extent necessary to allow SSTMs to receive supervisory pay differentials. Criteria for retention determination and preparing written service agreements will be as prescribed in 5 U.S.C. 5754 and as waived herein.

(26) Part 591, Subpart B: Cost-of-Living Allowances and Post Differential-Non-Foreign Areas. Waived to the extent necessary to allow demonstration project employees covered by broad banding to be treated as employees under the GS.

(27) Part 752, section 752.101, 752.201, 752.301, and 752.401: Principal statutory requirements and coverage. Waived to the extent necessary to (1) Allow for up to a three-year probationary period and two-year probationary period for supervisory positions; (2) Permit termination during

the extended probationary period without using adverse action procedures for those employees serving a probationary period under an initial appointment except for those with veterans' preference; (3) Allow for supervisory probationary periods and to permit reassignment during the supervisory probationary period without use of adverse action procedures; (4) Replace “grade” with “pay band;” (5) Provide that a reduction in pay band is not an adverse action if it results from the employee's rate of base pay being exceeded by the minimum rate of base pay for that pay band. Waived to the extent necessary to provide that adverse action provisions do not apply to (1) conversions from GS special salary rates to demonstration project pay, as long as total pay is not reduced, and (2) reductions in pay due to the removal of a supervisory or team leader pay adjustment/differential upon voluntary movement to a non-supervisory or non-team leader position or decreases in the amount of a supervisory or team leader pay adjustment based on the annual review.

(28) Part 1400, section 1400.202(a)(2): Waivers and Exceptions to Pre-appointment Investigative Requirements. (1) To the extent necessary, waive the pre-employment investigative requirements thereby enabling a final job offer and establishing an EOD prior to a favorable eligibility determination at the Top Secret/SCI level. (2) For positions designated as Top Secret/Special-Sensitive and Critical-Sensitive apply the same waiver requirements for pre-appointment investigations IAW 5 CFR 1400.202(a)(2)(ii) for Critical-Sensitive positions with the following changes:

(1) An emergency or a national interest necessitating a pre-employment investigation waiver would include an STRL's inability to meet mission requirements.

(2) An agency or agency head would be defined as an STRL to allow for the provisions regarding security eligibility as described in 85 FR 78829 as amended.

#### **Appendix A. Occupational Series by Career Path**

##### **Occupational Series—Engineering & Science (DB):**

- 0854 Computer Engineering
- 0855 Electronics Engineering
- 1550 Computer Science
- 1560 Data Science Series
- 2210 Information Technology Management (limited applicability)

##### **Occupational Series—Business & Technology (DE):**

- 0080 Security Administration

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|                                           |                                          |
|-------------------------------------------|------------------------------------------|
| 0301                                      | Miscellaneous Administration and Program |
| 0340                                      | Program Management                       |
| 0343                                      | Management and Program Analysis          |
| 0346                                      | Logistics Management                     |
| 1101                                      | General Business and Industry            |
| 2001                                      | General Supply                           |
| 2003                                      | Supply Program Management                |
| 2210                                      | Information Technology Management        |
| Occupational Series—General Support (DK): |                                          |
| 0318                                      | Secretary                                |

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## Appendix B: Performance Elements

Each critical performance element is assigned a minimum percentage weight. The total weight of all elements in a performance plan is 100. IAW the assigned duties/responsibility objectives assigned to the employee and the mission and goals of the organization, the supervisor assigns a percentage of the total weight percentage of 100. All employees will be rated against the first four critical performance elements listed below. In addition, those employees whose duties require Team Lead responsibilities will also be rated on element five. All managers/supervisors will be rated on element six, in addition to the first four performance elements. The critical performance elements are as follows:

(1) *Technical Competence*—Minimum Weight: 15%. As defined in the employee's individual performance objectives:

(a) Exhibits and maintains knowledge, skills, abilities and initiative to produce quality work;

(b) Assignments are completed in a timely manner with an appropriate level of supervision;

(c) The quality and quantity of work meets expectations;

(d) Makes prompt, technically sound decisions and recommendations that get the desired results; and

(e) Where appropriate, seeks and accepts developmental and/or special assignments.

(2) *Interpersonal Skills*—Minimum Weight: 10%. As defined in the employee's individual performance objectives:

(a) Provides or exchanges oral/written ideas and information in a manner that is timely, accurate and easily understood;

(b) Listens effectively so that resultant actions show complete comprehension;

(c) Coordinates actions appropriately so that others are included in, and informed of, decisions and actions;

(d) Is an effective team player;

(e) Accepts personal responsibility for assigned tasks;

(f) Is considerate of differing viewpoints, exhibiting willingness to compromise on areas of difference;

(g) Exercises tact and diplomacy and maintains effective relationships both within and external to the organization; and

(h) Readily gives assistance and shows appropriate respect and courtesy.

(3) *Management of Time and Resources*—Minimum Weight: 15%. As defined in the employee's individual performance objectives:

(a) Meets schedules and deadlines;

(b) Arranges work schedules to effectively balance difficult and time-consuming high priority tasks with other lower priority and less time-consuming tasks;

(c) Generates and accepts new ideas and methods for increasing work efficiency; and

(d) Effectively utilizes and, where appropriate, properly controls available resources.

(4) *Customer Satisfaction*—Minimum Weight: 10%. As defined in the employee's individual performance objectives:

(a) Demonstrates care for customers through responsive, courteous, and reliable actions;

(b) Promotes relationships of trust and respect;

(c) Maintains solid working relationship with existing customers and where appropriate seeks out and develops new customers;

(d) Responds to taskings and develops practical solutions to satisfy those needs.

(e) Keeps customer informed; and

(f) Within the scope of job responsibility seeks out and develops new programs and/or reimbursable customer work.

(5) *Team/Project Leadership*—Minimum Weight: 15%. As defined in the employee's individual performance objectives:

(a) Ensures that the organization/project strategic plan, mission, vision, and values are communicated into the team workplans, products, and services;

(b) Provides advice on work methods practices and procedures;

(c) Assists members in identifying viable solutions to work issues;

(d) As appropriate, distributes and balances workload, checks on work in

progress, and makes adjustments as needed;

(e) Reports to the supervisor on team and individual work accomplishments, problems and training needs; and

(f) Resolves simple, informal complaints, informs supervisor of performance management issues/problems. (Mandatory for Team Leads and optional for others, e.g. project leaders).

(6) *Supervision and EEO*—Minimum Weight: 25%. As defined in the employee's individual performance objectives:

(a) Plans, develops, communicates, and directs the implementation of strategic and operational goals and objectives of the organization;

(b) Allocates and monitors resources and equitably distributes work to subordinates. Initiates personnel actions to recruit, select, promote and/or reassign employees in a timely manner;

(c) Develops subordinates, through counseling and positive motivational techniques on job expectations, identification of training needs, and attainment of career goals;

(d) Recognizes corrective action to resolve inadequate performance or behavioral issues;

(e) Applies EEO and Merit Principles;

(f) Creates a positive, safe and challenging work environment; and

(g) Ensures appropriate internal controls to prevent fraud, waste or abuse and to safeguard assigned property and resources. (Mandatory for Managers/Supervisors).

Dated: July 17, 2026.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026-14703 Filed 7-21-26; 8:45 am]

BILLING CODE 6001-FR-P

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal No. 26-67]

### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense (DoD).

**ACTION:** Arms sales notice.

**SUMMARY:** The DoD (referred to herein as “the Department,” “Department of War” or “DoW”) is publishing the unclassified text of an arms sales notification.

**FOR FURTHER INFORMATION CONTACT:**

Urooj Zahra at (703) 695–6233, [urooj.zahra.civ@mail.mil](mailto:urooj.zahra.civ@mail.mil), or [dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil](mailto:dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil).

**SUPPLEMENTARY INFORMATION:** This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of the attached Transmittal 26–67, Policy Justification, and Sensitivity of Technology.

Dated: July 16, 2026.

**Stephanie J. Bost,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

Transmittal No. 26–67

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Singapore

(ii) *Total Estimated Value:*

|                           |              |
|---------------------------|--------------|
| Major Defense Equipment * | \$40 million |
| Other .....               | \$33 million |
| TOTAL .....               | \$73 million |

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

*Major Defense Equipment (MDE):*

Eighteen (18) Common Fire Control System upgrade kits for the M142 High Mobility Artillery Rocket System

*Non-MDE:*

The following non-MDE items will also be included: support equipment; technical documentation; spare parts; training; U.S. Government and contractor technical support; engineering and logistics support services; field office support; and other related elements of logistics and program support.

(iv) *Military Department:* Army (SN–B–VIJ; SN–B–VIO)

(v) *Prior Related Cases, if any:* SN–B–VDO; SN–B–VEN; SN–B–VEP; SN–B–VER; SN–B–VGA; SN–B–VET; SN–B–VFW; SN–B–VFM; SN–B–VFB; SN–B–VEW; SN–B–VGM; SN–B–VEQ; SN–B–VES; SN–B–VGX; SN–B–VHA; SN–B–VHE; SN–B–VHU; SN–B–VHZ; SN–B–VIC; SN–B–VGR

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* June 15, 2026

\* as defined in Section 47(6) of the Arms Export Control Act.

**POLICY JUSTIFICATION**

*Singapore—Common Fire Control System*

The Government of Singapore has requested to buy eighteen (18) Common Fire Control System upgrade kits for the M142 High Mobility Artillery Rocket System. The following non-major defense equipment items will also be included: support equipment; technical documentation; spare parts; training; U.S. Government and contractor technical support; engineering and logistics support services; field office support; and other related elements of logistics and program support. The estimated total cost is \$73 million.

This proposed sale will enhance the foreign policy and national security objectives of the United States by improving the security of a strategic partner that is an important force for political stability and economic progress in Asia.

The proposed sale will improve Singapore’s capability to meet current and future threats by enhancing and extending its Army’s ability to conduct operations and enable effective training. Singapore will have no difficulty absorbing this training into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin, located in Dallas, TX. At this time, the U.S. Government is not aware of any offset agreement proposed in connection with this potential sale. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Singapore.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 26–67

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The M142 High Mobility Artillery Rocket System (HIMARS) is a C–130 transportable wheeled launcher mounted on a five-ton family of medium tactical vehicle truck chassis. HIMARS is the modern Army-fielded version of the Multiple Launch Rocket System (MLRS) M270 launcher and can fire all the MLRS family of munitions (MFOM), including the Guided Multiple Launch Rocket System and Army Tactical Missile System. The MFOM HIMARS can engage targets between 15 and 300 kilometers with global positioning system-aided precision accuracy.

2. The Common Fire Control System (CFCS) is the replacement for the Universal Fire Control System. CFCS addresses obsolescence issues and features the capability to fire MFOMs. The CFCS provides the command and control, man-machine, weapon and launcher interfaces, as well as the embedded training. The CFCS enables a launcher to operate with compatible fire direction systems, navigate to specified fire or reload points, compute the firing solutions, and orient the launcher loader module on the target to deliver the weapon accurately and effectively. The CFCS includes a built-in test and mass storage capability to store critical mission parameters, as well as system configuration and maintenance information. The CFCS provides position navigation and processing, necessary to direct and maintain control of the launcher system, allowing for accurate firing and loading of weapons.

3. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

4. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

5. A determination has been made that Singapore can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

6. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Singapore.

[FR Doc. 2026-14767 Filed 7-21-26; 8:45 am]

BILLING CODE 6001-FR-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal No. 26-62]

### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense (DoD).

**ACTION:** Arms sales notice.

**SUMMARY:** The DoD (referred to herein as “the Department,” “Department of War” or “DoW”) is publishing the unclassified text of an arms sales notification.

#### FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, [urooj.zahra.civ@mail.mil](mailto:urooj.zahra.civ@mail.mil), or [dscn.ncr.rsrcmgmt.list.cns-mbx@mail.mil](mailto:dscn.ncr.rsrcmgmt.list.cns-mbx@mail.mil).

**SUPPLEMENTARY INFORMATION:** This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of the attached Transmittal 26-62, Policy Justification, and Sensitivity of Technology.

Dated: July 16, 2026.

**Stephanie J. Bost,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

Transmittal No. RSAT 26-62

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Brazil

(ii) *Total Estimated Value:*

|                              |               |
|------------------------------|---------------|
| Major Defense Equipment * .. | \$200 million |
| Other .....                  | \$130 million |

|             |               |
|-------------|---------------|
| TOTAL ..... | \$330 million |
|-------------|---------------|

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

*Major Defense Equipment (MDE):*

One hundred (100) FIM-92K Stinger Block I missiles

*Non-MDE:*

The following non-MDE items will also be included: gripstocks; engineering assistance; integration support services; U.S. Government and contractor engineering, technical, and logistics support

services; and other related elements of logistics and program support.

(iv) *Military Department:* Army (BR-B-UAN)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* June 11, 2026

\* as defined in Section 47(6) of the Arms Export Control Act.

#### POLICY JUSTIFICATION

##### *Brazil—FIM-92K Stinger Missiles*

The Government of Brazil has requested to buy one hundred (100) FIM-92K Stinger Block I missiles. The following non-major defense equipment items will also be included: gripstocks; engineering assistance; integration support services; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is \$330 million.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of an important regional partner that is a force for political stability and economic progress in South America.

The proposed sale will improve Brazil's capability to meet current and future threats by providing the FIM-92K Stinger Block I missiles and thereby enhancing its air defense capability. This will contribute to the goals of enhancing interoperability with the United States and other allies. Brazil will have no difficulty absorbing these articles and services into its armed force.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be RTX Corporation, located in Arlington, VA and Lockheed Martin, located in Syracuse, NY. At this time, the U.S. Government is not aware of any offset agreement proposed in connection with this potential sale. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Brazil.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 26-62

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. FIM-92K Stinger Block I is primarily in the area of design and production know-how and not end-items. This sensitive and critical technology is inherent in the hybrid microcircuit assemblies; microprocessors; magnetic and amorphous metals; purification; firmware; printed circuit boards; laser roll rate sensor; dual detector assembly; detector filters; optical coatings; ultraviolet sensors; compounding and handling of electronic, electro-optic, and optical materials; test equipment operating instructions; energetic materials fabrication and loading technology; and warhead components and seeker assembly.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Brazil can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Brazil.

[FR Doc. 2026-14766 Filed 7-21-26; 8:45 am]

BILLING CODE 6001-FR-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal No. 26-37]

### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense (DoD).

**ACTION:** Arms sales notice.

**SUMMARY:** The DoD (referred to herein as “the Department,” “Department of War”

or "DoW") is publishing the unclassified text of an arms sales notification.

**FOR FURTHER INFORMATION CONTACT:**

Urooj Zahra at (703) 695-6233, [urooj.zahra.civ@mail.mil](mailto:urooj.zahra.civ@mail.mil), or [dscn.ncr.rsrcmgmt.list.cns-mbx@mail.mil](mailto:dscn.ncr.rsrcmgmt.list.cns-mbx@mail.mil).

**SUPPLEMENTARY INFORMATION:** This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of the attached Transmittal 26-37, Policy Justification, and Sensitivity of Technology.

Dated: July 16, 2026.

**Stephanie J. Bost,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

**BILLING CODE 6001-FR-P**



**DEFENSE SECURITY COOPERATION AGENCY**  
2800 Defense Pentagon  
Washington, DC 20301-2800

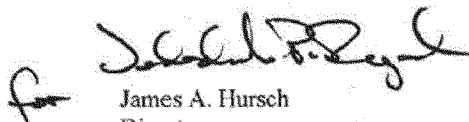
**AUG 25 2022**

The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
H-209, The Capitol  
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 20-0M. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 15-51 of November 4, 2015.

Sincerely,

  
James A. Hursch  
Director

**Enclosures:**

1. Transmittal
2. Regional Balance (Classified document provided under separate cover)



**DEFENSE SECURITY COOPERATION AGENCY**  
2800 Defense Pentagon  
Washington, DC 20301-2800

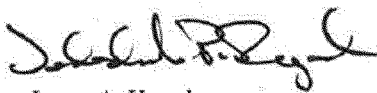
AUG 25 2022

The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
H-209, The Capitol  
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 20-0M. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 15-51 of November 4, 2015.

Sincerely,

*for*   
James A. Hursch  
Director

Enclosures:

1. Transmittal
2. Regional Balance (Classified document provided under separate cover)

**BILLING CODE 6001-FR-C**

Transmittal No. 26-37

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of New Zealand

(ii) *Total Estimated Value:*

|                           |                |
|---------------------------|----------------|
| Major Defense Equipment * | \$0.70 billion |
| Other .....               | \$0.80 billion |

|             |                |
|-------------|----------------|
| TOTAL ..... | \$1.50 billion |
|-------------|----------------|

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

*Major Defense Equipment (MDE):*

Five (5) MH-60R Multi-Mission

Helicopters

Seven (7) Link 16 Multifunctional Information Distribution Systems

Joint Tactical Radio Systems (5 installed, 2 spares)

Fourteen (14) Embedded Global

Positioning System/Precise

Positioning Service/Inertial

Navigation Systems with Selective

Availability Anti-Spoofing Module

(10 installed, 4 spares)

Five (5) Airborne Low Frequency Sonar systems

Two hundred twenty-five (225) Advanced Precision Kill Weapon System (APKWS) missiles

Two hundred twenty-five (225) WGU-59A/B APKWS II guidance sections (single variant)

Sixty-five (65) AGM-114R Hellfire Missiles

Four (4) M36E8 Hellfire Captive Air Training Missiles

Five (5) digital magnetic anomaly detection systems

Five (5) M240D 7.62mm machine guns

*Non-MDE:*

The following non-MDE will also be included: T700-GE-401D engines; M514 impulse cartridge/cartridge actuated devices; MJ20 cartridge actuated thruster/cartridge actuated devices; WB53 fire extinguisher cartridge/cartridge actuated devices; CCU-136A/A impulse cartridges; GAU-21 crew-served guns (including pintle and laser pointer); M299 guided missile launchers; LAU-61 digital rocket launchers;

AN/ARC-210 RT-2036 radios with communications security; AN/AAR-47 missile warning systems; AN/APX-123 identification friend or foe (IFF) transponders; AN/ALE-47 dispenser, electronic countermeasures; advanced data transfer systems; AN/AAS-44C(V) multi-spectral targeting systems; KIV-78-Mode 4/5 IFF cryptographic applique; Joint Mission Planning Systems; AN/ARQ-59 Hawklark radio terminals; AN/SSQ-53 directional frequency analysis and recording sonobuoys; AN/SSQ-62 directional command activated sonobuoy system sonobuoys; AN/SSQ-36 bathythermograph sonobuoys; training simulators/operational machine interface assistants; aviation maintenance weapons loading trainer; tactical operational flight trainer; AN/ALQ-210 electronic support measures systems; APS-153(V) multi-mode radars; spare engine containers; spare and repair parts; support and test equipment; communications

equipment; ferry support; publications and technical documentation; personnel training and training equipment; U.S. Government and contractor engineering, technical, and logistics support services; obsolescence engineering, integration, and test activities required to ensure readiness for the production of the New Zealand MH-60R helicopters; training equipment; studies and surveys; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department*: Navy (NZ-P-SAK)

(v) *Prior Related Cases, if any*: NZ-P-GES

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid*: None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold*: See Attached Annex

(viii) *Date Report Delivered to Congress*: June 4, 2026

\* as defined in Section 47(6) of the Arms Export Control Act.

#### POLICY JUSTIFICATION

##### *New Zealand—MH-60R Multi-Mission Helicopters*

The Government of New Zealand has requested to buy five (5) MH-60R Multi-Mission Helicopters; seven (7) Link 16 Multifunctional Information Distribution Systems Joint Tactical Radio Systems (5 installed, 2 spares); fourteen (14) Embedded Global Positioning System/Precise Positioning Service/Inertial Navigation Systems with Selective Availability Anti-Spoofing Module (10 installed, 4 spares); five (5) Airborne Low Frequency Sonar systems; two hundred twenty-five (225) Advanced Precision Kill Weapon System (APKWS) missiles; two hundred twenty-five (225) WGU-59A/B APKWS II guidance sections (single variant); sixty-five (65) AGM-114R Hellfire missiles; four (4) M36E8 Hellfire Captive Air Training Missiles; five (5) digital magnetic anomaly detection systems; and five (5) M240D 7.62mm machine guns. The following non-major defense equipment items will also be included: T700-GE-401D engines; M514 impulse cartridge/cartridge actuated devices; MJ20 cartridge actuated thruster/cartridge actuated devices; WB53 fire extinguisher cartridge/cartridge actuated devices; CCU-136A/A impulse cartridges; GAU-21 crew-served guns

(including pintle and laser pointer); M299 guided missile launchers; LAU-61 digital rocket launchers; AN/ARC-210 RT-2036 radios with communications security; AN/AAR-47 missile warning systems; AN/APX-123 identification friend or foe (IFF) transponders; AN/ALE-47 dispenser, electronic countermeasures; advanced data transfer systems; AN/AAS-44C(V) multi-spectral targeting systems; KIV-78—Mode 4/5 IFF cryptographic applique; Joint Mission Planning Systems; AN/ARQ-59 Hawklark radio terminals; AN/SSQ-53 directional frequency analysis and recording sonobuoys; AN/SSQ-62 directional command activated sonobuoy system sonobuoys; AN/SSQ-36 bathythermograph sonobuoys; training simulators/operational machine interface assistants; aviation maintenance weapons loading trainer; tactical operational flight trainer; AN/ALQ-210 electronic support measures systems; APS-153(V) multi-mode radars; spare engine containers; spare and repair parts; support and test equipment; communications equipment; ferry support; publications and technical documentation; personnel training and training equipment; U.S. Government and contractor engineering, technical, and logistics support services; obsolescence engineering, integration, and test activities required to ensure readiness for the production of the New Zealand MH-60R helicopters; training equipment; studies and surveys; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is \$1.5 billion.

This proposed sale will support the foreign policy and national security of the United States by improving the security of a major ally that is a force for political stability and economic progress in the Asia-Pacific region.

The proposed sale will improve New Zealand's capability to meet current and future warfare threats by providing greater security for its critical infrastructure. New Zealand will use the enhanced capability to strengthen its homeland defense. New Zealand will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin Rotary and Mission Systems, located in Owego, New York. At this time, the U.S. Government is not aware of any offset agreement proposed in connection with this potential sale.

Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will require the assignment of one (1) U.S. Government representative and four (4) contractor representatives to New Zealand on a temporary basis in conjunction with program technical oversight and support requirements, including program and technical reviews.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 26-37

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology*:

1. The MH-60R Multi-Mission Helicopter focuses primarily on anti-submarine and anti-surface warfare missions. The MH-60R also performs search and rescue, naval gunfire support, surveillance, communications relay, logistics support, personnel transfer, and vertical replenishment missions. The MH-60R carries several sensors and data links to enhance its ability to work in a network centric battle group and as an extension of its home ship/main operating base.

2. The mission equipment subsystem consists of the following sensors and subsystems: an acoustics system capable of future dipping sonar and sonobuoy operations, multi-mode radar (MMR) with integral identification friend or foe (IFF) interrogator, radios with communications security, electronic support measures, integrated self-defense, and multi-spectral targeting system. The aircraft processes sensor data onboard and transmits data via common data link (also referred to as Hawklark). The aircraft is compatible with night vision. It can carry AGM-114A/B/K/N/R Hellfire missiles, as well as MK 46/54 torpedoes to engage surface and sub-surface targets.

a. The RT-2036(C) radios are capable of Line-Of-Sight (LOS) and beyond LOS communication and can transmit clear or secure voice using single channel ground and airborne radio system security features. ARC-210 Ultra High Frequency (UHF)/Very High Frequency radios contain embedded sensitive encryption algorithms and keying material.

b. The Embedded Global Positioning System/Precise Positioning Service/Inertial Navigation System is a sensor that combines positioning and inertial

sensor inputs to provide accurate location information for navigation and targeting.

c. The Advanced Digital Antenna Production (ADAP) antenna electronics interfaces with the ADAP controlled reception pattern antennas to ensure availability of global positioning signals to the aircraft.

d. The IFF AN/APX-123 A(V) transponder is capable of both Mode 5 and Mode S secure modes and provides its own ship positional information.

e. The KIV-78 is Type 1 NSA-certified Communications Security (COMSEC) for IFF. The KIV-78 provides cryptographic and time-of-day services, concurrent Mode 5 operations as well as concurrent interrogator/transponder operations. The KIV-78 IFF system is deployed to identify cooperative, friendly systems.

f. The KY-100M provides for secure voice and data communications in tactical airborne and ground environments and is a self-contained terminal that includes COMSEC. The KY-100M is based on the KY-99A architecture with enhanced interface capability. It includes KY-99A's operational modes and KY-5's operational modes.

g. Acoustics algorithms are used to process dipping sonar and sonobuoy data for target tracking and for the Acoustics Mission Planner, which is a tactical aid employed to optimize the deployment of sonobuoys and the dipping sonar.

h. AN/APS-153 MMR with an integrated IFF and Inverse Synthetic Aperture Radar provides target surveillance and detection capability.

i. Digital Magnetic Anomaly Detection capability is being introduced into the MH-60R in response to a fleet need for a submarine detection capability, which will be effective in acoustically harsh environments.

j. Advanced Data Transfer System with Type 1 encryption for data at rest.

k. AN/ALQ-210 Electronic Support Measures system identifies the location of an emitter.

3. The MH-60R Multi-Mission Helicopter can carry airborne low frequency sonar, LAU-61 digital rocket launchers, advanced precision kill weapons system, GAU-21 crew served guns, and M240 crew served guns.

a. The WGU-59/B Advanced Precision Kill Weapon System-II (APKWS-II) All Up Round (AUR) (Rotary Wing) and WGU-59A/B APKWS-II AUR (Single Variant) is a design conversion of an unguided Hydra 2.75-inch rocket with a laser guidance kit to give it precision-kill capability. As a low-cost weapon, it is intended as an

inexpensive means to destroy targets while limiting collateral damage in close combat. The APKWS consists of an APKWS-II guidance section (Single Variant Block Upgrade) developed by BAE Systems, Inc., a legacy 2.75-inch MK66 Mod 4 rocket motor, and the M151 or MK-152 high-explosive warhead.

b. The AGM-114 Hellfire missile is an antiarmor, laser guided, air-to-ground weapon that uses a shaped charge warhead to defeat hard point targets with minimal exposure of the launch helicopter to enemy fire. The Hellfire weapon system consists of an AGM-114 series missile(s) and M299 launcher. The missile consists of four major sections: seeker, guidance warhead, propulsion, and control. The M299 launcher can carry one to four missiles on each launcher. The length, weight, and physical characteristics of the Hellfire missile are the same as the base missile allowing full compatibility with launch platforms.

c. The M36E8 Hellfire Captive Air Training Missiles-114 training missile also has the same external shape and length as the tactical missile. Internally, it contains no explosives but has ballast to simulate the weight and center of gravity of the tactical missile. It is used for captive flight training and cannot be launched. The missile has an operational laser seeker that can search for and lock on laser energy. Training missiles are identified by blue colored bands around the warhead and propulsion sections. Training missiles are certified for captive flights.

4. The MH-60R is also equipped with the AN/USQ-190A Multifunctional Information Distribution System Joint Tactical Radio System (MIDS JTRS), which is a secure, jam-resistant communication and positioning system that employs a defined waveform in the 960-1215-megahertz UHF range for packet message communication and 16 kilobit digital voice and packet message communication. MIDS significantly increases force command and control effectiveness. The tactical digital information link-J series message standard is employed by the system as defined in NATO Standardization Agreement (STANAG) 5516 and U.S. Military Standard 6016. The embedded hardware features provide communications security. MIDS JTRS builds on the earlier MIDS-low volume terminal's capabilities with the addition of concurrent multi-netting (CMN) and concurrent contention receive (CCR) functions. CMN and CCR dramatically expand the number of platforms and network-enabled systems that can be reliably included in a Link 16 network.

These enhancements allow a single MIDS JTRS terminal to simultaneously receive messages on up to four nets, compared with on a single net in terminals without CMN and CCR, within a single Link 16 time slot, allowing a user to "hear" messages from up to three additional sources at once.

5. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

6. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

7. A determination has been made that New Zealand can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

8. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of New Zealand.

[FR Doc. 2026-14761 Filed 7-21-26; 8:45 am]

BILLING CODE 6001-FR-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal No. 26-56]

### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense (DoD).

**ACTION:** Arms sales notice.

**SUMMARY:** The DoD (referred to herein as "the Department," "Department of War" or "DoW") is publishing the unclassified text of an arms sales notification.

### FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, [urooj.zahra.civ@mail.mil](mailto:urooj.zahra.civ@mail.mil), or [dsca.ncr.rsrmgmt.list.cns-mbx@mail.mil](mailto:dsca.ncr.rsrmgmt.list.cns-mbx@mail.mil).

**SUPPLEMENTARY INFORMATION:** This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of the attached Transmittal 26-56 and Policy Justification.

Dated: July 16, 2026.

**Stephanie J. Bost,**

*Alternate OSD Federal Register Liaison  
Officer, Department of Defense.*

BILLING CODE 6001-FR-P



**DEFENSE SECURITY COOPERATION AGENCY**  
2800 Defense Pentagon  
Washington, DC 20301-2800

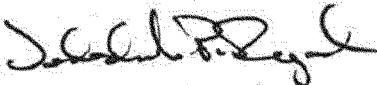
AUG 25 2022

The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
H-209, The Capitol  
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 20-0M. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 15-51 of November 4, 2015.

Sincerely,

  
for James A. Hursch  
Director

Enclosures:

1. Transmittal
2. Regional Balance (Classified document provided under separate cover)



**DEFENSE SECURITY COOPERATION AGENCY**  
2800 Defense Pentagon  
Washington, DC 20301-2800

AUG 25 2022

The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
H-209, The Capitol  
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 20-0M. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 15-51 of November 4, 2015.

Sincerely,

  
for James A. Hursch  
Director

Enclosures:

1. Transmittal
2. Regional Balance (Classified document provided under separate cover)

**BILLING CODE 6001-FR-C**

Transmittal No. 26-56

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Kuwait

(ii) *Total Estimated Value:*

|                           |                 |
|---------------------------|-----------------|
| Major Defense Equipment * | \$ 0            |
| Other .....               | \$235.9 million |

TOTAL ..... \$235.9 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

*MDE:*

None

*Non-MDE:*

The following non-MDE items will be included: aircraft maintenance support, spare parts, accessories, and unclassified technical and non-technical publications; U.S. Government and contractor engineering, technical, and logistics support services; five (5) years of KC-130J aircraft spare and repair

parts; support equipment; logistics technical assistance; software support publications; technical documentation; repair and return; personnel training and training equipment; and other related elements of logistics and program support.

(iv) *Military Department:* Navy (KU-P-GID)

(v) *Prior Related Cases, if any:* KU-P-SBF; KU-P-GHR

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* June 15, 2026

\* as defined in Section 47(6) of the Arms Export Control Act.

**POLICY JUSTIFICATION**

*Kuwait—KC-130J Aircraft Follow-on Sustainment Support*

The Government of Kuwait has requested to buy aircraft maintenance support, spare parts, accessories, and unclassified technical and non-technical publications; U.S. Government and contractor engineering, technical, and logistics support services; five (5) years of KC-130J aircraft spare and repair parts; support equipment; logistics technical assistance; software support publications; technical documentation; repair and return; personnel training and training equipment; and other related elements of logistics and program support. The estimated total cost is \$235.9 million.

This proposed sale will support the foreign policy and national security objectives of the United States by improving the security of a major non-NATO ally that has been an important force for political stability and economic progress in the Middle East.

The proposed sale will improve Kuwait's Air Force (KAF) capability to

meet current and future threats by contributing to shared security objectives, promote regional stability, and build interoperability with the United States. The KAF utilizes these aircraft to deter threats and protect national resources. This sale will support ongoing sustainment efforts, maintenance, repair, and provide the U.S. Navy program office (NAVAIR PMA 207) with the flexibility to perform the necessary sustainment actions based on KAF priorities. Kuwait will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be V2X, located in Madison, MS; Aviation Training Consulting located in Atlus, OK; CAE USA located in Tampa, FL; Dowty located in Evendale, OH; and Rolls Royce located in Indianapolis, IN. At this time, the U.S. Government is not aware of any offset agreement proposed in connection with this potential sale. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Kuwait.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2026-14763 Filed 7-21-26; 8:45 am]

BILLING CODE 6001-FR-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal No. 26-0X]

### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense (DoD).

**ACTION:** Arms sales notice.

**SUMMARY:** The DoD (referred to herein as “the Department,” “Department of War” or “DoW”) is publishing the unclassified text of an arms sales notification.

#### FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, [urooj.zahra.civ@mail.mil](mailto:urooj.zahra.civ@mail.mil), or [dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil](mailto:dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil).

**SUPPLEMENTARY INFORMATION:** This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of the attached Transmittal 26-0X.

Dated: July 16, 2026.

**Stephanie J. Bost,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

Transmittal No. RSAT 26-0X

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(B)(5)(C), AECA)

(i) *Prospective Purchaser:* Government of Poland

(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 23-64

*Date:* September 11, 2023

*Implementing Agency:* Army

*Funding Source:* National Funds

(iii) *Description:* On September 11, 2023, Congress was notified by congressional certification transmittal number 23-64 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of ninety-three (93) Integrated Air and Missile Defense (IAMD) Battle Command System (IBCS) Engagement Operation Centers (EOCs); and one hundred seventy-five (175) IBCS Integrated Fire Control Network (IFCN) relays. Also included were network encryptors; IBCS software development and component integration; U.S. Government and contractor technical support; System Integration Lab (SIL) infrastructure; SIL test tools and equipment; U.S. Government and contractor technical support for SIL; flight test infrastructure and equipment; flight test targets; flight test range costs and fees; U.S. Government and Original Equipment Manufacturer (OEM) flight test services and support; and other related elements of logistics and program support. The estimated total cost was \$4 billion. Major defense equipment (MDE) constituted \$1.5 billion of this total.

This transmittal notifies the inclusion of the following MDE items: six (6) IAMD IBCS EOCs; and twelve (12) IBCS IFCN relays. The following non-MDE items will also be included: network encryptors; IBCS software development and component integration; U.S. Government and contractor technical support; Systems Integration Lab (SIL) infrastructure; SIL test tools and equipment; U.S. Government and contractor technical support for SIL; flight test infrastructure and equipment; flight test targets; flight test range costs and fees; and U.S. Government and OEM flight test services and support. The estimated total value of the new items is \$100 million. The estimated MDE value will increase by \$80 million to a revised \$1.58 billion. The estimated non-MDE value will increase by \$20 million to a revised \$2.52 billion. The estimated total case value will increase

by \$100 million to a revised \$4.1 billion. MDE constitutes \$1.58 billion of this total.

(iv) *Significance:* This notification accounts for requested additional MDE and non-MDE items not included in the original notification. The inclusion of this MDE represents an increase in capability over what was previously notified. The proposed sale will improve Poland's capability to meet current and future threats by providing a credible force that can deter adversaries and facilitate its participation in NATO operations. Poland will have no difficulty absorbing these articles and services into its armed forces.

(v) *Justification:* This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a NATO Ally that is an important force for political stability and economic progress in Europe.

(vi) *Sensitivity of Technology:*

The Sensitivity of Technology Statement contained in the original notification applies to items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress:* June 23, 2025

[FR Doc. 2026-14760 Filed 7-21-26; 8:45 am]

BILLING CODE 6001-FR-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal No. 26-58]

### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense (DoD).

**ACTION:** Arms sales notice.

**SUMMARY:** The DoD (referred to herein as “the Department,” “Department of War” or “DoW”) is publishing the unclassified text of an arms sales notification.

#### FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, [urooj.zahra.civ@mail.mil](mailto:urooj.zahra.civ@mail.mil), or [dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil](mailto:dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil).

**SUPPLEMENTARY INFORMATION:** This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of the attached Transmittal 26-58, Policy Justification, and Sensitivity of Technology.

Dated: July 16, 2026.

**Stephanie J. Bost,**

*Alternate OSD Federal Register Liaison  
Officer, Department of Defense.*

Transmittal No. 26–58

Notice of Proposed Issuance of Letter of  
Offer Pursuant to Section 36(b)(1) of the  
Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government  
of Austria

(ii) *Total Estimated Value:*

|                              |                |
|------------------------------|----------------|
| Major Defense Equipment * .. | \$0.79 billion |
| Other .....                  | \$0.71 billion |

|             |                |
|-------------|----------------|
| TOTAL ..... | \$1.50 billion |
|-------------|----------------|

(iii) *Description and Quantity or  
Quantities of Articles or Services under  
Consideration for Purchase:*

*Major Defense Equipment (MDE):*

Twelve (12) UH–60M Black Hawk  
helicopters

Twenty-six (26) T700–GE–701D  
engines

Five (5) AN/AAR–57 Common Missile  
Warning Systems

Five (5) Common Infrared  
Countermeasure Systems

Five (5) AN/APR–39E(V)2 Radar  
Warning Receivers

Thirty (30) EAGLE–M+429

Thirty (30) AN/ARC–231A RT–1987  
VHF/UHF/LOS SATCOM radios

*Non-MDE:*

The following non-MDE items will  
also be included: AN/ARC–201D  
RT–1478D; AVR–2B laser detecting  
sets; APX–128 Identification Friend  
or Foe (IFF) transponder; AN/PYQ–  
10 simple key loader; KIV–79  
Common IFF Applique Crypto  
Computers; AN/ARN–147(V) very  
high frequency omni-directional  
range/instrument landing system  
receiver radio; AN/ARN–149(V) low  
frequency/automatic direction  
finder radio receiver; AN/ARN–153  
tactical air navigation system  
receiver transmitter; AN/APN–209  
radar altimeter; EBC–406HM  
emergency locator transmitter;  
improved heads up display (IHUD);  
signal data converters for IHUD;  
color weather radars; MX–10D E.O./  
IR with laser designator; engine  
inlet barrier filters; ballistic armor  
protection systems; internal  
auxiliary fuel tank systems; fast  
rope insertion extraction system;  
external rescue hoist; rescue hoist  
equipment sets; dual patient litter  
system sets; Martin-Baker Palletized  
Crew Chief/Gunner Seats with  
crashworthy floor structural  
modifications; external stores  
support system; Degraded Visual  
Environment system; LINK–16  
(small tactical terminal KOR–24A);

traffic alert collision avoidance  
system; cargo hook scale; sling load  
observation capability; direction  
finder DF–935; environmental  
control system; snow skis  
provisions; Bambi bucket  
provisions; helicopter terrain  
awareness system; CONRAD troop  
radio capability; TETRA BOS radio  
capability; very important person  
kit; 28 VDC/10A utility power  
socket (cabin); universal serial bus  
charging outlet; crashworthy  
extended range fuel system tanks;  
instrument panel; cockpit  
multifunction display; cartridge,  
aircraft fire extinguisher; cartridge,  
impulse; thruster control unit-3/A;  
cartridge, aircraft; Black Hawk  
aircrew trainer; M–134 mini-guns  
and spares; training devices;  
helmets; transportation;  
organizational equipment; spare  
and repair parts; support  
equipment; tools and test  
equipment; technical data and  
publications; personnel training  
and training equipment; U.S.  
Government and contractor  
engineering, technical, and logistics  
support services; and other related  
elements of logistics support.

(iv) *Military Department:* Army (AU–  
B–VCV)

(v) *Prior Related Cases, if any:* AU–B–  
VCS

(vi) *Sales Commission, Fee, etc., Paid,  
Offered, or Agreed to be Paid:* None  
known at this time

(vii) *Sensitivity of Technology  
Contained in the Defense Article or  
Defense Services Proposed to be Sold:*  
See Attached Annex

(viii) *Date Report Delivered to  
Congress:* June 17, 2026

\* as defined in Section 47(6) of the  
Arms Export Control Act.

#### **POLICY JUSTIFICATION**

*Austria—UH–60M Black Hawk  
Helicopters*

The Government of Austria has  
requested to buy twelve (12) UH–60M  
Black Hawk helicopters consisting of  
(26) T700–GE–701D engines; five (5)  
AN/AAR–57 Common Missile Warning  
Systems; five (5) Common Infrared  
Countermeasure Systems; five (5) AN/  
APR–39E(V)2 Radar Warning Receiver;  
thirty (30) EAGLE–M+429; and thirty  
(30) AN/ARC–231A RT–1987 VHF/  
UHF/LOS SATCOM radios. The  
following non-MDE items will also be  
included: AN/ARC–201D RT–1478D;  
AVR–2B laser detecting sets; APX–128  
Identification Friend or Foe (IFF)  
transponder; AN/PYQ–10 simple key  
loader; KIV–79 common IFF applique

crypto computers; AN/ARN–147(V) very  
high frequency omni-directional range/  
instrument landing system receiver  
radio; AN/ARN–149(V) low frequency/  
automatic direction finder radio  
receiver; AN/ARN–153 tactical air  
navigation system receiver transmitter;  
AN/APN–209 radar altimeter; EBC–  
406HM emergency locator transmitter;  
improved heads up display (IHUD);  
signal data converters for IHUD; color  
weather radars; MX–10D E.O./IR with  
laser designator; engine inlet barrier  
filters; ballistic armor protection  
systems; internal auxiliary fuel tank  
systems; fast rope insertion extraction  
system; external rescue hoist; rescue  
hoist equipment sets; dual patient litter  
system sets; Martin-Baker palletized  
crew chief/gunner seats with  
crashworthy floor structural  
modifications; external stores support  
system; degraded visual environment  
system; LINK–16 (small tactical  
terminal KOR–24A); traffic alert  
collision avoidance system; cargo hook  
scale; sling load observation capability;  
direction finder DF–935; environmental  
control system; snow skis provisions;  
Bambi bucket provisions; helicopter  
terrain awareness system; CONRAD  
troop radio capability; TETRA BOS  
radio capability; very important person  
kit; 28 VDC/10A utility power socket  
(cabin); universal serial bus charging  
outlet; crashworthy extended range fuel  
systems tanks; instrument panel;  
cockpit multi-function display;  
cartridge, aircraft fire extinguisher;  
cartridge, impulse; thruster control unit  
3/A; cartridge, aircraft; Black Hawk  
aircrew trainer; M–134 mini-guns and  
spares; training devices; helmets;  
transportation; organizational  
equipment; spare and repair parts;  
support equipment; tools and test  
equipment; technical data and  
publications; personnel training and  
training equipment; U.S. Government  
and contractor engineering, technical,  
and logistics support services; and other  
related elements of logistics support.  
The estimated total cost is \$1.50 billion.

This proposed sale will support the  
foreign policy and national security  
objectives of the United States by  
helping to improve the security of a  
partner that is a force for political  
stability and economic progress in  
Europe.

The proposed sale will improve  
Austria's capability to deter current and  
future threats and support coalition  
operations and the United States' and  
Austria's goal of greater military  
interoperability. Austria will have no  
difficulty absorbing this equipment into  
its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Sikorsky, a Lockheed Martin Company, located in Jupiter, FL. At this time, the U.S. Government is not aware of any offset agreement proposed in connection with this potential sale. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will require the assignment of approximately fifteen U.S. Government and/or fifteen contractor representatives to travel to Austria for an extended period for equipment de-processing/fielding, system checkout, training, and technical and logistics support.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 26–58

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The UH–60M aircraft is a medium-lift four-bladed helicopter with two (2) T–701D engines. The aircraft has four (4) multifunction displays (MFDs), which provide access to aircraft system, flight, mission, and communication management systems. The instrumentation panel includes four (4) MFDs, two (2) pilot and copilot flight director panels, and two (2) data concentrator units (DCUs). The navigation system will have Embedded GPS/INS (EGIs), and two (2) advanced flight control computer systems, which provide four-axis aircraft control.

a. The AN/ARC–201D very high frequency-frequency modulation Single Channel Ground and Airborne Radio System (SINCGARS) airborne radio is a reliable, field-proven voice and data communication system used with the UH–60.

b. The AN/ARC–231A is a software-definable radio for military aircraft that provides two-way, multi-mode voice and data communications over a 30 Hz to 512 MHz frequency range. No designated exportable/non-COMSEC capable version planned. Support both line-of-sight ultra-high frequency and very high frequency bands with AM, FM and SATCOM capabilities includes embedded frequency agile modes, Electronic Counter-Countermeasures anti-jam waveforms including HAVE QUICK and SINCGARS, Demand Assigned Multiple Access, Integrated

Waveform. It provides simultaneous, real-time participation in tactical voice and data communications networks. The RT–1987 will provide NSA TSVCSIS 3.1.1crypto modernization compliance. Operator selectable Air Traffic Control channel spacing of 5, 8.33, 12.5, and 25kHz steps, and other data link and secure communications features, providing battlefield interoperability.

c. The AN/APX–128, Identification Friend or Foe (IFF) Transponder, is a space diversity transponder and is installed on various military platforms. When installed in conjunction with platform antennas and the Remote-Control Unit (or other appropriate control unit), the transponder provides identification, altitude and surveillance reporting in response to interrogations from airborne, ground-based and/or surface interrogators. The transponder will be classified as SECRET if MODE IV, MODE 5, or MODE S fill is installed in the equipment with a crypto device. This item contains sensitive technology.

d. The AN/PYQ–10 simple key loader (SKL) is a ruggedized, portable, hand-held fill device, for securely receiving, storing, and transferring data between compatible cryptographic and communications equipment. The AN/PYQ–10 SKL will contain the KOV–21 COMSEC card, which is a Controlled Cryptographic Item. Cryptographic functions are performed by an embedded KOV–21 card developed by the National Security Agency (NSA).

e. The KIV–79 Identification Friend or Foe (IFF) Crypto Appliqué provides cryptographic and time-of-day services for a Combined Interrogator/Transponder or individual interrogator or transponder Mark XIIA (Mode 4 and Mode 5) IFF system deployed to identify cooperative, friendly systems. The KIV–79 contains embedded security and is classified up to Secret when keys are loaded.

f. The AN/AVR–2B Laser Warning Receiver detects laser rangefinders, target designators and beam rider laser-aided systems targeting an aircraft or vehicle. The AVR–2B is a detection component of the suite of countermeasures designed to increase survivability of current generation combat aircraft and specialized special operations aircraft against the threat posed by laser designated or guided weapons. This item contains sensitive technology.

g. The AAR–57 Common Missile Warning System is an integrated infrared countermeasures suite utilizing ultraviolet sensors to display accurate threat location and dispense decoys/countermeasures either automatically or

under pilot/crew control to defeat incoming missile threats.

h. The EAGLE M+429, contains sensitive technology that provides GPS hardening when loaded with COMSEC keys.

i. The Common Infrared Countermeasure (CIRCM) System is the next-generation lightweight, laser-based, infrared countermeasure system for rotary-wing, tilt-rotor, and small fixed-wing aircraft across the DoD. CIRCM provides near spherical coverage of the host platform to defeat Infrared-seeking threat missiles. CIRCM receives an angular hand-off from the Missile Warning System, employs a pointing and tracking system that acquires and tracks the incoming missile. CIRCM jams the missile by using modulated laser energy, thus degrading the tracking capability of the missile and causing it to miss the aircraft.

j. The AN/APR–39E(V)2 Radar Warning Receiver is a radar threat detection system that passively detects, categorizes, and prioritizes radio frequency (RF) threats to aircraft, and then provides an audio/visual cue to aircrew. AN/APR–39E(V)2 provides a fully digital capability to enhance threat discrimination in the millimeter wave (mmW) band and increased overall system performance against frequency-agile RF and active electronically scanned array threat radars.

k. The Link 16 data link is a military tactical data link network. Link 16 provides aircrews with enhanced situational awareness and the ability to exchange target information with Command and Control (C2) assets via Tactical Digital Information Link-Joint. The Link 16 can provide a range of combat information in near-real time to U.S. and allies' combat aircraft and C2 centers. The UH–60M uses the Harris Small Tactical Terminal (STT) KOR–24A to provide Airborne, Maritime, Fixed Station Small Airborne Link 16 Terminal capability. STT is the latest generation of small, two-channel, Link 16 and VHF/UHF radio terminals. While in flight, the STT provides simultaneous communication, voice or data, on two key waveforms.

l. The KOR–24A Lightweight Airborne Recovery System with Link 16 capability provides enhanced situational awareness and personnel recovery support through participation in secure tactical data link networks. The system enables the transmission and reception of tactical data via Link 16 in support of joint and coalition operations. The system incorporates Communications Security (COMSEC) and Transmission Security capabilities, enabling encrypted and secure data

exchange using U.S. Government-approved cryptographic methods. Secure operation requires the use of classified keying material and network configuration parameters loaded via approved key loading devices (e.g., AN/PYQ-10 Simple Key Loader). The case includes associated COMSEC equipment, including fill devices, cables, and ancillary components required to support secure operations. All COMSEC equipment, keying material, and network participation will be provided, controlled, and managed in accordance with U.S. Government security and releasability policy.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Austria can provide substantially the same degree of protection of this technology as the U.S. Government. This proposed sale is necessary in furtherance of U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles, technical data, and services listed in this transmittal are authorized for release and export to the Government of Austria.

[FR Doc. 2026-14765 Filed 7-21-26; 8:45 am]

BILLING CODE 6001-FR-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal No. 26-57]

### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense (DoD).

**ACTION:** Arms sales notice.

**SUMMARY:** The DoD (referred to herein as “the Department,” “Department of War” or “DoW”) is publishing the unclassified text of an arms sales notification.

#### FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, [urooj.zahra.civ@mail.mil](mailto:urooj.zahra.civ@mail.mil), or [dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil](mailto:dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil).

**SUPPLEMENTARY INFORMATION:** This 36(b) arms sales notification is published to fulfill the requirements of section 155 of

Public Law 104-164 dated July 21, 1996. The following is a copy of the attached Transmittal 26-57, Policy Justification, and Sensitivity of Technology.

Dated: July 16, 2026.

**Stephanie J. Bost,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

Transmittal No. 26-57

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* Government of Australia

(ii) *Total Estimated Value:*

|                           |               |
|---------------------------|---------------|
| Major Defense Equipment * | \$ 0          |
| Other .....               | \$250 million |

|             |               |
|-------------|---------------|
| TOTAL ..... | \$250 million |
|-------------|---------------|

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Foreign Military Sales case AT-P-GTM was below congressional notification threshold at \$18 million (\$0 in major defense equipment (MDE)) and included F/A-18F Super Hornet and EA-18G Growler aircraft aircrew and maintenance training; protective personnel equipment; U.S. Government and contractor technical and logistics support services; and other related elements of logistics and program support. In 2015, the case was amended and added \$49 million for a total of \$67 million (\$0 in MDE) and included F/A-18F Super Hornet and EA-18G Growler aircraft aircrew and maintenance training; protective personnel equipment; U.S. Government and contractor technical and logistics support services; and other related elements of logistics and program support. This amendment caused the case to exceed the congressional notification threshold, and it should have been notified to Congress at that time, but the technical error was not discovered until the partner requested an amendment in 2026. In 2018, the case was amended and added \$75 million for a total of \$142 million (\$0 in MDE) and included F/A-18F Super Hornet and EA-18G Growler aircraft classified and unclassified aircrew and maintenance training; protective personnel equipment; U.S. Government and contractor technical and logistics support services; and other related elements of logistics and program support. In 2022, the case was amended and the value decreased by \$2 million for a total of \$140 million (\$0 in MDE) due to limited pilot attendance and included delivery of F/A-18F and EA-18G operational conversion; and

HAVOC and TOPGUN training to the Royal Australian Air Force aircrew. At this time, the Government of Australia has requested that the case be amended to include the following non-MDE items: F/A-18F Super Hornet and EA-18G Growler aircraft classified and unclassified aircrew and maintenance training; protective personnel equipment; U.S. Government and contractor technical and logistics support services; classified and unclassified technical and non-technical manuals, books, publications, and training documentation; and other related elements of logistics and program support. This amendment will be adding \$110 million (\$0 in MDE). This adjustment brings the estimated total program cost to \$250 million. These case amendments exceed the notification threshold, and thus notification of the entire program is required. The above notification requirements are combined as follows: Major Defense Equipment (MDE):

None

Non-MDE:

The following non-MDE items will be included: F/A-18F Super Hornet and EA-18G Growler aircraft classified and unclassified aircrew and maintenance training; protective personnel equipment; U.S. Government and contractor technical and logistics support services; classified and unclassified technical and non-technical manuals, books, publications, and training documentation; and other related elements of logistics and program support.

(iv) *Military Department:* Navy (AT-P-GTM)

(v) *Prior Related Cases, if any:* Navy (AT-P-SAF; AT-P-GQY; AT-P-LEN; AT-P-SCI; AT-P-GQF; AT-P-FBS)

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* June 25, 2026

\* as defined in Section 47(6) of the Arms Export Control Act.

### POLICY JUSTIFICATION

*Australia—F/A-18F & EA-18G Growler Aircraft Training*

The Government of Australia has requested to buy the following additional non-major defense equipment (MDE) items: F/A-18F Super Hornet and EA-18G Growler aircraft classified and unclassified aircrew and

maintenance training; protective personnel equipment; U.S. Government and contractor technical and logistics support services; classified and unclassified technical and non-technical manuals, books, publications, and training documentation; and other related elements of logistics and program support that will be added to the previously implemented cases. The original Foreign Military Sales case, valued at \$18 million (\$0 in MDE), included F/A-18F Super Hornet and EA-18G Growler aircraft aircrew and maintenance training; protective personnel equipment; U.S. Government and contractor technical and logistics support services; and other related elements of logistics and program support. In 2015, the case was amended and added \$49 million for a total of \$67 million (\$0 in MDE) and included F/A-18F Super Hornet and EA-18G Growler aircraft aircrew and maintenance training; protective personnel equipment; U.S. Government and contractor technical and logistics support services; and other related elements of logistics and program support. This amendment caused the case to exceed the congressional notification threshold, and it should have been notified to Congress at that time, but the technical error was not discovered until the partner requested an amendment in 2026. In 2018, the case was amended and added \$75 million for a total of \$142 million (\$0 in MDE) and included F/A-18F Super Hornet and EA-18G Growler aircraft classified and unclassified aircrew and maintenance training; protective personnel equipment; U.S. Government and contractor technical and logistics support services; and other related elements of logistics and program support. In 2022, the case was amended and the case value decreased to \$2 million for a total of \$140 million (\$0 in MDE) due to limited pilot attendance and included delivery of F/A-18F and EA-18G operational conversion; and HAVOC and TOPGUN training to the Royal Australian Air Force aircrew. This notification is for a combined total of the following non-MDE items: F/A-18F Super Hornet and EA-18G Growler aircraft classified and unclassified aircrew and maintenance training; protective personnel equipment; U.S. Government and contractor technical and logistics support services; classified and unclassified technical and non-technical manuals, books, publications, and training documentation; and other related elements of logistics and program support. This amendment will be adding \$110 million (\$0 in MDE).

This adjustment brings the estimated total program cost to \$250 million.

This proposed sale will support the foreign policy and national security objectives of the United States. Australia is one of our most important allies in the Western Pacific. The strategic location of this political and economic power contributes significantly to ensuring peace and economic stability in the Western Pacific. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability.

The proposed sale will enhance Australia's capability to meet current and future threats and increase its interoperability with the U.S. and its allies through comprehensive training. Australia will have no difficulty absorbing this training into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

There is no principal contractor associated with this potential sale. Training will be provided by U.S. Government or contract vendors based upon requirements as they are determined. At this time, the U.S. Government is not aware of any offset agreement proposed in connection with this potential sale. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Australia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 26-57

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The F/A-18F Super Hornet and EA-18G Growler aircraft aircrew training provides squadron level proficiency training, aircrew courseware, and follow-on courses of instruction for the F/A-18F and EA-18G aircraft. The F/A-18F and EA-18G aircraft system training includes the provision of publications, other technical documentation, flight manuals, technical manuals, and technical data and updates for improved operations and maintenance.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Australia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Australia.

[FR Doc. 2026-14764 Filed 7-21-26; 8:45 am]

BILLING CODE 6001-FR-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal No. 26-0U]

### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense (DoD).

**ACTION:** Arms sales notice.

**SUMMARY:** The DoD (referred to herein as "the Department," "Department of War" or "DoW") is publishing the unclassified text of an arms sales notification.

#### FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, [urooj.zahra.civ@mail.mil](mailto:urooj.zahra.civ@mail.mil), or [dsca.ncr.rsrmgmt.list.cns-mbx@mail.mil](mailto:dsca.ncr.rsrmgmt.list.cns-mbx@mail.mil).

**SUPPLEMENTARY INFORMATION:** This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of the attached Transmittal 26-0U.

Dated: July 16, 2026.

**Stephanie J. Bost,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

Transmittal No. RSAT 26-0U

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(B)(5)(C), AECA)

(i) *Prospective Purchaser:* Government of Norway

(ii) *Sec. 36(b)(1), AECA Transmittal No.: 23-34*

Date: April 26, 2023

Implementing Agency: Air Force

(iii) *Description*: On April 26, 2023, Congress was notified by congressional certification transmittal number 23–34 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act of continued sustainment and associated services for four (4) C–130J aircraft beyond Block 6 through 2028. Included were Joint Mission Planning Systems; aircraft components, spare parts, consumables, and accessories; repair and return support; aircraft support and support equipment; unclassified publications and technical documentation; software delivery and support; unclassified Computer Program Identification Number systems; telecommunications support; minor modifications, maintenance, and maintenance support; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of program and logistical support. The estimated total value was \$166 million. There was no major defense equipment (MDE) associated with this sale.

This transmittal notifies the inclusion of the following non-MDE items: avionics software support; maps, charts, and software; and other related elements of logistics and program support. The estimated total value of the new items is \$344 million. The estimated non-MDE value will increase by \$344 million to a revised \$510 million. The estimated total case value will increase by \$344 million to a revised \$510 million. There is no MDE associated with this sale.

(iv) *Significance*: This notification accounts for requested additional non-MDE items not included in the original notification. The inclusion of this non-MDE represents an increase in capability over what was previously notified. The proposed articles and services will support Norway's capability to meet current and future threats by increasing the reliability of its C–130J fleet, while expanding its national defense capabilities and supporting the common defense of NATO.

(v) *Justification*: This proposed sale will support the foreign policy and national security objectives of the United States by improving the security of a NATO Ally that is a force for political stability and economic progress in Europe.

(vi) *Sensitivity of Technology*: The Sensitivity of Technology Statement contained in the original notification applies to additional items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress*: June 17, 2026

[FR Doc. 2026–14759 Filed 7–21–26; 8:45 am]

BILLING CODE 6001–FR–P

## DEPARTMENT OF EDUCATION

[Docket No.: ED–2026–SCC–2575]

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Assessment of Educational Progress (NAEP) 2027 Amendment 1

**AGENCY**: National Center for Education Statistics (NCES), Institute of Education Sciences (IES), Department of Education (ED).

**ACTION**: Notice.

**SUMMARY**: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).

**DATES**: Interested persons are invited to submit comments on or before August 21, 2026.

**ADDRESSES**: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain) to access the site. Find this information collection request (ICR) by selecting “Department of Education” under “Currently Under Review,” then check the “Only Show ICR for Public Comment” checkbox.

[Reginfo.gov](http://Reginfo.gov) provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the “View Information Collection (IC) List” link. Supporting statements and other supporting documentation may be found by clicking on the “View Supporting Statement and Other Documents” link.

**FOR FURTHER INFORMATION CONTACT**: For specific questions related to collection activities, please contact Matt Soldner, (202) 453–7441.

**SUPPLEMENTARY INFORMATION**: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the

information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection*: National Assessment of Educational Progress (NAEP) 2027 Amendment 1.

*OMB Control Number*: 1850–0928.

*Type of Review*: Revision of a currently approved ICR.

*Respondents/Affected Public*: State, Local, and Tribal Governments; Individuals or Households.

*Total Estimated Number of Annual Responses*: 18,076.

*Total Estimated Number of Annual Burden Hours*: 10,892.

*Abstract*: The National Assessment of Educational Progress (NAEP), conducted by the National Center for Education Statistics (NCES), is a federally authorized survey of student achievement at grades 4, 8, and 12 in various subject areas, such as mathematics, reading, writing, science, U.S. history, and civics. The National Assessment of Educational Progress Authorization Act (Pub. L. 107–279 Title III, section 303) requires the assessment to collect data on specified student groups and characteristics, including information organized by race/ethnicity, sex, socio-economic status, disability, and limited English proficiency. It requires fair and accurate presentation of achievement data and permits the collection of background, noncognitive, or descriptive information that is related to academic achievement and aids in fair reporting of results. The intent of the law is to provide representative sample data on student achievement for the nation, the states, and subpopulations of students and to monitor progress over time. The nature of NAEP is that burden alternates from a relatively low burden in national-level administration years to a substantial burden increase in state-level administration years when the sample has to allow for estimates for individual states and some of the large urban districts.

NAEP 2027 will include the grade 8 Science Pilot assessment.

This Amendment is a revision to the NAEP 2027 Clearance package (OMB#1850–0928 v.39). Since the 30-day Clearance Package, there are minor changes to burden hours and costs to the Federal Government. Minor shifts in schools expected to participate in School Device Model versus NAEP Device Model, as well as percentages of schools who will need an additional

staff member to support the assessment, resulted in an increase in burden hours from the initial Clearance package (10,790 hours) compared to this Amendment (10,892 hours). In addition, the costs to the Federal Government have increased by \$1,889,007 from the initial Clearance package. Since the OMB approval of the initial Clearance Package, the Confidentiality Assurances are unchanged.

This Amendment includes updates to: Parts A and B including changes to burden hours and costs, committee members and their affiliations in Appendix A, communication materials in Appendix D (see headers notated with “NEW”), the school coordinator preassessment and assessment day feedback forms in Appendix E, Assessment Management System (AMS) screens in Appendix I (see headers notated with “NEW”), final survey questionnaire items (SQs) in J–1 (student), J–2 (teacher), J–3 (school administrator), the 2027 sampling memo in Appendix C. Additionally, NAEP changed the TUDA acronym from “Trends in Urban Districts Assessment (TUDA)” to “Trial Urban District Assessment (TUDA),” and references throughout package documents reflect this change. This package is the final submission for the 2027 NAEP assessment.

The following table and pages below provide a summary of the changes that are included in this submission.

1. Part A:

a. Burden and Costs to the Federal Government updates.

b. Editorial updates (e.g., references to the Amendment, schedule, or Appendices).
2. Part B: Editorial updates (e.g., references to the Amendment, schedule, or Appendices).
3. Appendix A: Minor updates to committee members and/or their affiliations.

4. Appendix C: The 2027 sampling memo.
5. Appendix D:

a. All communication and recruitment materials; See documents marked “NEW”.

b. Of note, the term “Trends in Urban Districts Assessment (TUDA)” is now used in communications rather than “Trial Urban District Assessment (TUDA).” The previously approved versions of the Facts for Districts and Facts for Principals documents have this updated naming convention reflected in this appendix.
6. Appendix E: The school coordinator preassessment and assessment day feedback forms.
7. Appendix I: Assessment Management System content and screens; See documents marked “NEW”.
8. Appendix J–1: 2027 Student Questionnaires.
9. Appendix J–2: 2027 Teacher Questionnaires.
10. Appendix J–3: 2027 School Questionnaires.

**Ross Santy,**  
*Chief Data Officer, Office of Planning, Evaluation and Policy Development.*  
[FR Doc. 2026–14796 Filed 7–21–26; 8:45 am]  
**BILLING CODE 4000–01–P**

**FEDERAL DEPOSIT INSURANCE CORPORATION**

**[OMB No. 3064–0061]**

**Agency Information Collection Activities: Proposed Collection Renewal; Comment Request**

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).  
**ACTION:** Notice and request for comment.

**SUMMARY:** The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995 (PRA), invites the

general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collection described below (OMB Control No. 3064–0139).

**DATES:** Comments must be submitted on or before September 21, 2026.

**ADDRESSES:** Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- **Agency Website:** <https://www.fdic.gov/resources/regulations/federal-register-publications/>.
- **Email:** [comments@fdic.gov](mailto:comments@fdic.gov). Include the name and number of the collection in the subject line of the message.
- **Mail:** Robert Meiers, Regulatory Counsel, MB–3013, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- **Hand Delivery:** Comments may be hand-delivered to the guard station at the rear of the 17th Street NW building (located on F Street NW), on business days between 7 a.m. and 5 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Robert Meiers, Regulatory Attorney, [Romeiers@fdic.gov](mailto:Romeiers@fdic.gov), MB–3013, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

**SUPPLEMENTARY INFORMATION:** Proposal to renew the following currently approved collection of information:

1. **Title:** Summary of Deposits.  
**OMB Number:** 3064–0061.  
**Affected Public:** FDIC-insured depository institutions.  
**Burden Estimate:**

SUMMARY OF ESTIMATED ANNUAL BURDEN  
[OMB No. 3064–0061]

| Information Collection (IC)<br>(obligation to respond) | Type of burden<br>(frequency of response) | Number of<br>respondents | Number of<br>responses per<br>respondent | Average<br>time per<br>response<br>(HH:MM) | Annual<br>burden<br>(hours) |
|--------------------------------------------------------|-------------------------------------------|--------------------------|------------------------------------------|--------------------------------------------|-----------------------------|
| 1. Summary of Deposits, 12 CFR 304.3(c) (Mandatory).   | Reporting (Annual) .....                  | 3,651                    | 1                                        | 03:00                                      | 10,953                      |
| Total Annual Burden (Hours) .....                      | .....                                     | .....                    | .....                                    | .....                                      | 10,953                      |

Source: FDIC.  
**Note:** The estimated annual IC time burden is the product, rounded to the nearest hour, of the estimated annual number of responses and the estimated time per response for a given IC. The estimated annual number of responses is the product, rounded to the nearest whole number, of the estimated annual number of respondents and the estimated annual number of responses per respondent. This methodology ensures the estimated annual burdens in the table are consistent with the values recorded in OMB’s consolidated information system.

**General Description of Collection:** The Summary of Deposits (SOD) is the annual survey of branch office deposits as of June 30 for all FDIC-insured institutions, including insured U.S. branches of foreign banks. All FDIC-insured institutions that operate a main office and one or more branch locations (including limited service drive-thru locations) as of June 30 each year are required to file the SOD Survey. Insured branches of foreign banks are also required to file. All data collected on the SOD submission are available to the public. The survey data provides a basis for measuring the competitive impact of bank mergers and has additional use in research on banking. There is no change in the substance or methodology of this information collection. The change in burden is due solely to a decrease of 657 in the estimated number of respondents, from 11,610 annual respondents in the currently approved information collection to the current estimate of 10,953.

#### Request for Comment

*Comments are invited on:* (a) whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.  
Washington, DC.

**Debra A. Decker,**  
*Executive Secretary.*

[FR Doc. 2026-14821 Filed 7-21-26; 8:45 am]

BILLING CODE 6714-01-P

## FEDERAL MEDIATION AND CONCILIATION SERVICE

### Service Request Form

**AGENCY:** Federal Mediation and Conciliation Service (FMCS).

**ACTION:** 30-Day notice and request for comments.

**SUMMARY:** The Federal Mediation and Conciliation Service (FMCS) invites the public and other Federal Agencies to take this opportunity to comment on the

following information collection request, Service Request Form. This information collection request will be submitted for approval to the Office of Management Budget (OMB) in compliance with the Paperwork Reduction Act (PRA). The Service Request Form was developed to process requests for services while ensuring compliance with the paperwork reduction act.

**DATES:** Comments must be submitted on or before August 21, 2026.

**ADDRESSES:** You may submit comments, identified by the Service Request Form, through one of the following methods:

- *Email:* [register@fmcs.gov](mailto:register@fmcs.gov);
- *Mail:* Office of General Counsel, One Independence Square, 250 E St. SW, Washington, DC 20427.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Disotell, Associate Deputy Director of Field Operations, 206-553-4821, [jdisotell@fmcs.gov](mailto:jdisotell@fmcs.gov).

**SUPPLEMENTARY INFORMATION:** A copy of the agency form and confirmation PDF are attached. A confirmation PDF will be sent once the form is submitted online.

#### I. 60-Day Comment Period

FMCS published a **Federal Register** notice, with a 60-day public comment period soliciting comments, of the following collection of information on May 15, 2026, 91 FR 27942. FMCS received no comments.

#### II. Request for Comments

FMCS solicits comments to:

- i. Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- ii. Enhance the accuracy of the agency's estimates of the burden of the proposed collection of information.
- iii. Enhance the quality, utility, and clarity of the information to be collected.
- iv. Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic collection technologies or other forms of information technology.

#### III. Information Collection Request

*Agency:* Federal Mediation and Conciliation Service.

*Form Number:* Not yet assigned.

*Title:* Service Request Form.

*Type of Request:* New Collection.

*Affected Entities:* Private sector: Businesses or other for-profits and (not-for-profit institutions) and State, Local, and Tribal Governments.

*Frequency:* On occasion.

*Burden:* FMCS anticipates receiving approximately two responses per decade from an estimated 2,400 respondents. Each respondent is expected to spend about five minutes completing the required form.

*Information Collection Requirement:* 29 U.S.C. 172, *et seq.* authorizes and requires FMCS to perform services dependent upon the information collected in these forms.

*Purpose and Description of Data Collection:* The information collected will be used by Field Operations to deliver FMCS services to requesters. The Service Request Form is not a statistical survey that will yield quantitative results that can be generalized to the population of study.

#### IV. The Official Record

The official records are electronic records.

Dated: July 20, 2026.

**Alisa Zimmerman,**  
*Deputy General Counsel.*

### FMCS Service Request Form

OMB NO. xxxx-xxxx

Expires xx-xx-xxxx

*By completing the following form, you are requesting that FMCS provide a service for you. FMCS will contact you shortly to discuss the nature of your request, details, timelines, etc. FMCS will always discuss the scope of the service with you to ensure the request falls within our scope of authority.*

*Please do not send your request by email, fax, postal service, or directly to any FMCS employee.*

Type of Service Requested \* (list of services offered)

Service Category \* (List of options including other)

If Other (optional text box)

Work Sector \*(select): Private Sector, Federal Sector, Public Sector

Industry or Work Activity \* (list of options)  
Critical Infrastructure

Pursuant to 42 U.S.C. 5195c(e), critical infrastructure is defined as "systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters." For more information on critical infrastructure, click [here](#).

Does this request pertain to services involving critical infrastructure? \* (list of options)

Parties Involved \* (select) Both, Employer Only, Union Only

#### Employer Organization Information

If the employer is a labor union, check this box (if checked, selection of options or text entry via selection of "Other")

Organization Name \* (text entry or select organization name from drop down of over

5000 organization names in the FMCS database)  
Address Line 1 \*  
Address Line 2 City \*  
State \* (all states/provinces listed)  
Zip Code \*  
Employer website

**Employer Representative**

First Name \*  
Last Name \*  
Business Email \*  
Confirm Email \*  
Primary Phone \*  
Ext

**Labor Organization Information**

Union Full Name \* (selection of options or text entry via selection of "Other")  
Union Acronym (only appears if select "Other" in Union full name)  
Union Unit Number:  
Address Line 1 \* Address Line 2 City \*  
State \* (all states/provinces listed)  
Zip Code \*  
Primary Function of Bargaining Unit Employees

**Union Representative**

First Name \*  
Last Name \*  
Business Email \*

Confirm Email \*  
Primary Phone \*  
Ext

**CBA and Bargaining Unit Information**

Type of Upcoming Negotiation \* (select)  
Successor Contract (*Expiring existing contract*), Contract Re-Opener (*Mid-term re-opener of existing contract*), Initial Contract (*Initial or First contracts usually do not file. This may cause a duplication in the system since we are already notified by the NLRB. These cases will be assigned to a mediator if they meet the current criteria/metrics for case assignment. If you would like a mediator assigned, email [clientservices@fmcs.gov](mailto:clientservices@fmcs.gov)*.)

Estimated Bargaining Unit Size \*  
Contract Expiration Date \* (appears and required if Successor Contract or Contract Re-Opener is selected)  
Contract Reopen Date \* (appears and required if Contract Re-Opener is selected)

**Location of Requested Service**

City \*  
State \* (all states/provinces listed)  
Zip Code \*  
How did you hear about our services \*  
(selection of options or text entry via selection of "Other")

**Requester First Name \***

Last Name \*  
Title \*  
Business Email \*  
Confirm Email \*  
Primary Phone \*  
Ext

**Final Instructions**

\* Please be patient while submitting your Request to FMCS. Do not click the 'Submit' button more than once. Doing so may cause a duplicate submission and no confirmation page.

**Note:** 1. After you submit this request, you should receive a date, time, AND a confirmation number as well as an emailed pdf of your request. Please note, only the named Requester on this form will receive an emailed pdf of the request. If you do not receive a confirmation number or email, please contact FMCS at [clientservices@fmcs.gov](mailto:clientservices@fmcs.gov).

If you are having issues with this page, have questions about our Services, or would like someone to contact you to discuss your needs in advance of a service request or following a service delivery, please contact us at [clientservices@fmcs.gov](mailto:clientservices@fmcs.gov), or call us at (202) 606-5499.

**BILLING CODE 6732-01-P**

**FEDERAL MEDIATION & CONCILIATION SERVICE  
SERVICE REQUEST FORM**Form Approved  
OMB NO. XXXX-XXXX  
Expires XX-XX-XXXX

Date Submitted:

Confirmation Number:

**This is your electronic receipt of the submission of the service request. For Questions concerning request, undue hardships, or if further assistance is required, please contact our Client Services department by email at [clientservices@fmcs.gov](mailto:clientservices@fmcs.gov) or call us at (202) 606-5499.**Work Sector\* ☐ Private Sector ☐ Federal Sector ☐ Public Sector

Type of Service Requested\*

Service Category\* If Other:

Industry or Work Activity\*

**Critical Infrastructure**

Pursuant to 42 U.S.C. § 5195c(e), critical infrastructure is defined as "systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters." For more information on critical infrastructure, click [here](#).

Does this request pertain to services involving critical infrastructure?\*

**Employer Organization Information**

Organization Name\*

Address Line 1\*

Address Line 2

City\*

State\*

Zip Code\*

Employer Web Site

**Employer Representative**

First Name\*

Last Name\*

Business E-Mail\*

Primary Phone\*

Ext.

**Labor Organization Information**

Union Full Name\*

Union ACRONYM

Union Unit Number

Address Line 1\*

Address Line 2

City\*

State\*

Zip Code\*

Primary Function of Bargaining Unit Employees

**Union Representative**

First Name\*

Last Name\*

Business E-Mail\*

Primary Phone\*

Ext.

Type of Upcoming Negotiation \*

☐**Successor Contract**☐**Contract Re-Opener**☐**Initial Contract**

Estimated Bargaining Unit Size\*

Contract Expiration Date

Contract Reopen Date

Location of Requested Service: City\*

State\*

Zip Code\*

How Did You Hear About Our Services\*

If Other:

Requester: First Name\*

Last Name\*

24. Title\*

Business E-Mail\*

Primary Phone\*

Ext.

[FR Doc. 2026–14797 Filed 7–21–26; 8:45 am]

BILLING CODE 6732–01–C

## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

### Senior Executive Service Performance Review Board

**AGENCY:** Federal Retirement Thrift Investment Board.

**ACTION:** Notice.

**SUMMARY:** This notice announces the appointment of the members of the Senior Executive Service Performance Review Board for the Federal Retirement Thrift Investment Board. The purpose of the Performance Review Board is to make written recommendations on each executive's annual summary ratings, performance-based pay adjustment, and performance awards to the appointing authority.

**DATES:** This notice is applicable on July 22, 2026.

**FOR FURTHER INFORMATION CONTACT:** Kelly Powell, HR Specialist, at 202–942–1681.

**SUPPLEMENTARY INFORMATION:** Title 5, U.S. Code, 4314(c)(4), requires that the appointment of Performance Review Board members be published in the **Federal Register** before Board service commences. The following persons will serve on the Federal Retirement Thrift Investment Board's Performance Review Board which will review initial summary ratings to ensure the ratings are consistent with established performance requirements, reflect meaningful distinctions among senior executives based on their relative performance and organizational results and provide recommendations for ratings, awards, and pay adjustments in a fair and equitable manner: Brittany Borg, Jason Boyd, Jim Courtney, Dharmesh Vashee.

**Dharmesh Vashee,**

*General Counsel, Federal Retirement Thrift Investment Board.*

[FR Doc. 2026–14771 Filed 7–21–26; 8:45 am]

BILLING CODE 6760–01–P

## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

### Notice of Board Meeting

**DATES:** July 28, 2026, at 09:00 a.m. PT/12:00 p.m. ET.

**ADDRESSES:** Telephonic. Dial-in (listen only) information: Number: 1–202–599–1426, Code: 270 025 035#; or via web: <https://www.frtib.gov/>.

**FOR FURTHER INFORMATION CONTACT:** James Kaplan, Director, Office of External Affairs, (202) 864–7150.

### SUPPLEMENTARY INFORMATION:

#### Board Meeting Agenda

##### Open Session

1. Approval of the June 23, 2026, Board Meeting Minutes
2. Monthly Reports
  - (a) Participant Report
  - (b) Legislative Report
3. Quarterly Reports
  - (d) Investment Review
  - (e) Budget Review
  - (f) Audit Status
4. Investment Manager Annual Service Provider Review

##### Closed Session

5. Information Covered under 5 U.S.C. 552b (c)(10).  
*Authority:* 5 U.S.C. 552b(e)(1).

Dated: July 20, 2026.

**Dharmesh Vashee,**

*General Counsel, Federal Retirement Thrift Investment Board.*

[FR Doc. 2026–14770 Filed 7–21–26; 8:45 am]

BILLING CODE P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

[Office of Management and Budget: 0970–0558]

### Submission for Office of Management and Budget Review; Generic for Administration for Children and Families Program Monitoring Activities

**AGENCY:** Administration for Children and Families, U.S. Department of Health and Human Services.

**ACTION:** Request for public comments.

**SUMMARY:** The Administration for Children and Families (ACF) intends to request from the Office of Management and Budget (OMB) an extension of approval for an umbrella generic clearance for information collections related to ACF program office monitoring activities. ACF programs promote the economic and social well-being of families, children, individuals, and communities. The Generic for ACF

Program Monitoring Activities allows ACF program offices to collect standardized information from recipients that receive federal funds to ensure oversight, evaluation, support purposes, and stewardship of federal funds. There are no changes proposed to the terms of the generic. Burden estimates have been updated.

**DATES:** *Comments due* August 21, 2026.

**ADDRESSES:** The public may view and comment on this information collection request at: [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=202607-0970-010](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202607-0970-010). You can also obtain copies of the proposed collection of information by emailing [infocollection@acf.hhs.gov](mailto:infocollection@acf.hhs.gov). Identify all emailed requests by the title of the information collection.

### SUPPLEMENTARY INFORMATION:

*Description:* Program monitoring is a post-award process through which ACF assesses a recipient's programmatic performance and business management performance. Monitoring activities are necessary to ensure timely action by ACF to support grantees and protect federal interests. Program offices use information collected under this generic clearance to monitor funding recipient activities and to provide support or take appropriate action, as needed. The information gathered is or will be used primarily for internal purposes, but aggregate data may be included in public materials such as reports to Congress or program office documents. Following standard OMB requirements, ACF will submit a request for each individual data collection activity under this generic clearance. Each request will include the individual form(s) or instrument(s), a justification specific to the individual information collection, and any supplementary documents.

*Respondents:* ACF funding recipients.

### Annual Burden Estimates

The following burden estimates include burden associated with currently approved individual requests that ACF intends to include with this extension request and an estimate of burden for potential new requests under this generic. Note that new individual requests may be approved between this publication and submission of the full extension request.

All currently approved individual requests are available here: [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=202604-0970-004](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202604-0970-004).

## ESTIMATED BURDEN—ONGOING REQUESTS

| Instrument                                                                                                                | Number of respondents | Annual number of responses per respondent | Average burden per response (in hours) | Annual burden (in hours) |
|---------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------------|----------------------------------------|--------------------------|
| Annual Data Collection on Sexual Abuse and Sexual Harassment Involving Unaccompanied Children .....                       | 200                   | 1                                         | 1.5                                    | 300                      |
| Community Services Block Grant (CSBG) Training and Technical Assistance Tracking Form .....                               | 20                    | 4                                         | 0.75                                   | 60                       |
| Community Services Block Grant (CSBG) Work Plan Template .....                                                            | 20                    | 1                                         | 3.25                                   | 65                       |
| Office of Head Start Child Incident Reporting .....                                                                       | 1,000                 | 4.8                                       | 0.167                                  | 800                      |
| Office of Head Start Improper Payment Reviews .....                                                                       | 300                   | 2                                         | 3                                      | 1,800                    |
| Office of Refugee Resettlement (ORR) Refugee Microenterprise Development (MED) Program Case File Requirements .....       | 30                    | 1                                         | 20                                     | 600                      |
| Office of Refugee Resettlement Refugee Microenterprise Development (MED) Program Pre-Monitoring Questionnaire (PMQ) ..... | 15                    | 1                                         | 5                                      | 75                       |
| Office of Refugee Resettlement (ORR) Care Provider Healthcare Delivery Report (HDR) .....                                 | 225                   | 1                                         | 1.50                                   | 338                      |
| Office of Refugee Resettlement Emergency Operations Plan Survey .....                                                     | 200                   | 0.33                                      | 0.74                                   | 49.5                     |
| Tribal MIECHV Nutrition One-Time Supplemental Funding Monitoring Supplement .....                                         | 53                    | 1                                         | .75                                    | 40                       |
| Total Annual Ongoing Burden .....                                                                                         | 2,063                 |                                           |                                        | 4,127                    |

Based on the past 3 years and with a goal to reduce burden moving forward

the estimated annual burden for potential new requests is 31 percent less

than the currently approved umbrella generic.

## ESTIMATED BURDEN—FUTURE REQUESTS

| Instrument                         | Annual number of respondents | Annual number of responses per respondent | Average burden per response (in hours) | Total annual burden (in hours) |
|------------------------------------|------------------------------|-------------------------------------------|----------------------------------------|--------------------------------|
| New Program Monitoring Forms ..... | 2,000                        | 3                                         | 1.85                                   | 11,100                         |

*Authority:* ACF monitors award performance through a combination of financial and programmatic requirements, including: 31 U.S.C. 503; 31 U.S.C. 6101–6106; 31 U.S.C. 6307; 31 U.S.C. 7501–7507.

This generic is related to and will be of use to all ACF program offices that award federal funds (*e.g.*, grants, cooperative agreements) and monitor activities related to funding. Each individual program use will be related to a specific statutory authority.

**Mary C. Jones,**

*ACF/OPRE Certifying Officer.*

[FR Doc. 2026–14795 Filed 7–21–26; 8:45 am]

**BILLING CODE 4184–79–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA–2026–N–1849]

#### Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Premarket Notifications Submission

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

**DATES:** Submit written comments (including recommendations) on the collection of information by August 21, 2026.

**ADDRESSES:** To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to <https://www.reginfo.gov/public/do/PRAMain>.

Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function. [Note to drafter: choose one of these statements. If there is a complete (8 digit) OMB control number, state: “The OMB control number for this information collection is 0910–0120. Also include the FDA docket number found in brackets in the heading of this document.”

#### FOR FURTHER INFORMATION CONTACT:

Amber Barrett, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, [PRASStaff@fda.hhs.gov](mailto:PRASStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

# **Premarket Notifications Submission 510(k),—21 CFR, Part 807 Subpart E**

OMB Control Number 0910–0120—  
Extension

This information collection helps support implementation of statutory provisions that govern premarket clearance of devices. Section 510(k) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360(k)) and implementing regulations in part 807, subpart E (21 CFR part 807, subpart E), establish premarket notification procedures. Persons who intend to market a medical device, for which a premarket approval application (PMA) is not required, must submit a premarket notification to FDA, unless the device is exempt from 510(k) requirements and does not exceed the limitations of exemptions of the device classification regulations, at least 90 days before proposing to begin the introduction, or delivery for introduction into interstate commerce, for commercial distribution of a device intended for human use. Based on the information provided in the notification, FDA must determine whether the new device is substantially equivalent to a legally marketed device. If a device is determined to be not substantially equivalent to a legally marketed device, it must have an approved PMA, product development protocol, humanitarian device exemption (HDE), request for an evaluation of automatic class III designation (De Novo request), or be reclassified into class I or class II before being marketed. The information collection also helps support section 510(l) of the FD&C Act, which provides for exemption from premarket notification.

The following instruments are included in the information collection:

- Form FDA 3514, “CDRH Premarket Review Submission Cover Sheet”
- Form FDA 3881, “Indications for Use”
- Voluntary eSTAR Program Interactive PDF Form and instructional web page
- Form FDA 4062, “Electronic Submission Template and Resource (eSTAR)” (for non-In Vitro Diagnostic (IVD) 510(k) submissions)
- Form FDA 4078, “Electronic Submission Template and Resource (eSTAR)” (for In Vitro Diagnostic (IVD) 510(k) submissions)

We are revising the information collection to include Form FDA 3674, “Certification of Compliance, Under 42

U.S.C., 282(j)(5)(B), with Requirements of *ClinicalTrials.gov*.” Under applicable authorities, applications under sections 505, 515, or 520(m) of the FD&C Act (21 U.S.C. 355, 360e, or 360j(m)), or under section 351 of the Public Health Service Act (42 U.S.C. 262), or submission of a report under section 510(k) of the FD&C Act, must be accompanied by a certification. Where available, such certification must include the appropriate National Clinical Trial numbers.

The information collection also includes an “Acceptance Checklist.” As discussed in the guidance document “Refuse to Accept Policy for 510(k)s” (April 2022), available at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/refuse-accept-policy-510ks>, we believe the checklist can be a helpful resource for 510(k) submitters and may simplify preparation of the 510(k). Similarly, the guidance document “Recognition and Withdrawal of Voluntary Consensus Standards” (September 2020), available at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/recognition-and-withdrawal-voluntary-consensus-standards>, communicates procedures followed by the Center for Devices and Radiological Health (CDRH) when requests for recognition of a voluntary consensus standard for medical products are received. The guidance document outlines principles for recognizing a standard wholly, partly, or not at all, as well as reasons and rationales for withdrawing a standard. Section 514 of the FD&C Act (21 U.S.C. 360d) allows FDA to recognize consensus standards developed by international and national organizations for use in satisfying portions of device premarket review submissions, including premarket notifications or other requirements. We publish and update the list of recognized standards regularly at <https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Standards/ucm123792.htm>. As instructed in the guidance document, any interested party may submit a request for recognition of a standard by mail directed to the CDRH Standards Program (*i.e.*, paper copy) or electronically via email.

For efficiency of Agency operations, we are also revising the information to include activities associated with section 520(b) of the FD&C Act, governing custom devices. Regulations in 21 CFR 812.3 define a custom device

and implementing regulations in 21 CFR 807.85 provide for exemption from premarket notification. Section 520(b) of the FD&C Act also provides for the issuance of guidance. The guidance document entitled, “Custom Device Exemption” (September 2014), and available for download at <https://www.fda.gov/media/89897/download>, explains how FDA interprets provisions in section 520(b)(2)(B) of the FD&C Act, describes what information should be submitted in a Custom Device Annual Report (“annual report”), and provides recommendations on how to submit an annual report for devices distributed under the custom device exemption.

Finally, we discuss the guidance document entitled, “Transition Plan for Medical Devices That Fall Within Enforcement Policies Issued During the Coronavirus Disease 2019 (COVID–19) Public Health Emergency,” announced in the **Federal Register** of March 27, 2023 (88 FR 18153), which describes a phased approach intended to help avoid disruption in device supply and help facilitate compliance with applicable legal requirements. The recommendations discussed in the guidance document result in the one-time collection of information intended to ensure an orderly and transparent transition from temporary policies established during the COVID–19 public health emergency to normal operations. Because the information collection recommendations apply to specific medical devices already in distribution, we believe the information discussed is appropriately characterized as nonstandardized followup designed to clarify responses to approved collections of information (*i.e.*, plans for compliance with applicable requirements unique to that distributed device). We therefore believe the activity constitutes the collection of non-identical and/or followup information, as defined under 5 CFR 1320.3. At the same time, we expect some degree of fluctuation in future submissions under part 807, subpart E, as a result of implementation of the medical device transition plan.

In the **Federal Register** of March 19, 2026 (91 FR 13310), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

| Activity and 21 CFR Part/Section                                                                                                                                                                                                     | Form No.                 | Number of respondents | Number of responses per respondent | Total annual responses | Average burden per response | Total hours |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------|------------------------------------|------------------------|-----------------------------|-------------|
| <b>21 CFR Part 807, Subpart E, PREMARKET NOTIFICATION PROCEDURES</b>                                                                                                                                                                 |                          |                       |                                    |                        |                             |             |
| 510(k) submission (807 subpart E) .....                                                                                                                                                                                              | FDA 3881 .....           | 3,800                 | 1                                  | 3,800                  | 79.25 .....                 | 301,150     |
| Summary cover sheet (807.87) .....                                                                                                                                                                                                   | FDA 3514 .....           | 1,906                 | 1                                  | 1,906                  | 0.5 (30 minutes) .....      | 953         |
| Status request (807.90(a)(3)) .....                                                                                                                                                                                                  | .....                    | 1                     | 1                                  | 1                      | 0.25 (15 minutes) .....     | 1           |
| 510(k) summary (807.92) .....                                                                                                                                                                                                        | .....                    | 2,742                 | 1                                  | 2,742                  | 4 .....                     | 10,968      |
| 510(k) statement (807.93) .....                                                                                                                                                                                                      | .....                    | 130                   | 1                                  | 130                    | 0.08 (5 minutes) .....      | 10          |
| 510(k) submission (807 subpart E)—using eSTAR format.                                                                                                                                                                                | FDA 4062, FDA 4078 ..... | 3,800                 | 1                                  | 3,800                  | 40 .....                    | 152,000     |
| <b>Guidance Document Recommendations:</b>                                                                                                                                                                                            |                          |                       |                                    |                        |                             |             |
| Request for recognition of a voluntary consensus standard.                                                                                                                                                                           | .....                    | 5                     | 1                                  | 5                      | 1 .....                     | 5           |
| Annual reporting for custom devices under 520(b) of the FD&C Act.                                                                                                                                                                    | .....                    | 31                    | 1                                  | 31                     | 40 .....                    | 1,240       |
| <b>42 CFR part 11, Clinical Trials Registration and Results Information Submission, subparts D and E; and FDA Guidance “Form FDA 3674—Certifications To Accompany Drug, Biological Product, and Device Applications/Submissions”</b> |                          |                       |                                    |                        |                             |             |
| Certification to accompany 510(k) submissions.                                                                                                                                                                                       | FDA 3674 .....           | 3,800                 | 1                                  | 3,800                  | 0.75 (45 minutes) .....     | 2,850       |
| <b>Electronic Submission Template and Resource (eSTAR)</b>                                                                                                                                                                           |                          |                       |                                    |                        |                             |             |
| eSTAR setup—one-time burden .....                                                                                                                                                                                                    | .....                    | 80                    | 1                                  | 80                     | 0.08 (5 minutes) .....      | 6           |
| Total .....                                                                                                                                                                                                                          | .....                    | .....                 | .....                              | 16,295                 | .....                       | 469,183     |

The information collection reflects program changes and adjustments. We have also made nominal adjustments on individual provisions to reflect expected fluctuations in submissions. Cumulatively these actions result in an overall increase of 145,804 hours and a corresponding increase of 3,625 responses annually. The increase was attributed to the 510(k) submissions increase from 100 to 3,800.

**Grace R. Graham,**

*Deputy Commissioner for Policy, Legislation, and International Affairs.*

[FR Doc. 2026–14707 Filed 7–21–26; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA–2026–P–4232]

#### **Determination That RASUVO (Methotrexate) Solution, 27.5 Milligrams/0.55 Milliliter (27.5 Milligrams/0.55 Milliliter), Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA, Agency, or we) has determined that RASUVO (methotrexate) solution, 27.5 milligrams

(mg)/0.55 milliliter (mL) (27.5 mg/0.55 mL), was not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for RASUVO (methotrexate) solution, 27.5 mg/0.55 mL (27.5 mg/0.55 mL), if all other legal and regulatory requirements are met.

**FOR FURTHER INFORMATION CONTACT:** Awo Archampong-Gray, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6243, Silver Spring, MD 20993–0002, 301–796–0110, [Awo.Archampong-Gray@fda.hhs.gov](mailto:Awo.Archampong-Gray@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)) allows the submission of an ANDA to market a generic version of a previously approved drug product. To obtain approval, the ANDA applicant must show, among other things, that the generic drug product: (1) has the same active ingredient(s), dosage form, route of administration, strength, conditions of use, and (with certain exceptions) labeling as the listed drug, which is a version of the drug that was previously approved, and (2) is bioequivalent to the listed drug. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

Section 505(j)(7) of the FD&C Act requires FDA to publish a list of all

approved drugs. FDA publishes this list as part of the “Approved Drug Products With Therapeutic Equivalence Evaluations,” which is known generally as the “Orange Book.” Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug’s NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

RASUVO (methotrexate) solution, 27.5 mg/0.55 mL (27.5 mg/0.55 mL), is the subject of NDA 205776, held by Medexus Pharma, Inc., and initially approved on July 10, 2014. RASUVO is a folate analog metabolic inhibitor indicated for the management of patients with severe, active rheumatoid arthritis and polyarticular juvenile idiopathic arthritis who are intolerant of or had an inadequate response to first-line therapy, and for symptomatic control of severe, recalcitrant, disabling psoriasis in adults who are not

adequately responsive to other forms of therapy.

RASUVO (methotrexate) solution, 27.5 mg/0.55 mL (27.5 mg/0.55 mL), is currently listed in the “Discontinued Drug Product List” section of the Orange Book.

Hyman, Phelps & McNamara, P.C., submitted a citizen petition dated April 15, 2026 (Docket No. FDA–2026–P–4232), under 21 CFR 10.30, requesting that the Agency determine whether RASUVO (methotrexate) solution, 27.5 mg/0.55 mL (27.5 mg/0.55 mL), has been voluntarily withdrawn for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that RASUVO (methotrexate) solution, 27.5 mg/0.55 mL (27.5 mg/0.55 mL), was not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that RASUVO (methotrexate) solution, 27.5 mg/0.55 mL (27.5 mg/0.55 mL), was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of RASUVO (methotrexate) solution, 27.5 mg/0.55 mL (27.5 mg/0.55 mL), from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that this drug product was withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list RASUVO (methotrexate) solution, 27.5 mg/0.55 mL (27.5 mg/0.55 mL), in the “Discontinued Drug Product List” section of the Orange Book. The “Discontinued Drug Product List” delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDAs that refer to RASUVO (methotrexate) Injection, 27.5 mg/0.55 mL (27.5 mg/0.55 mL), may be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

**Grace R. Graham,**

*Deputy Commissioner for Policy, Legislation, and International Affairs.*

[FR Doc. 2026–14779 Filed 7–21–26; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Advanced Nursing Education Program Specific Form OMB No. 0906–0089—Revision

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

**DATES:** Comments on this ICR should be received no later than September 21, 2026.

**ADDRESSES:** Submit your comments to [paperwork@hrsa.gov](mailto:paperwork@hrsa.gov) or mail the HRSA Information Collection Clearance Officer, Room 13N82, 5600 Fishers Lane, Rockville, Maryland 20857.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email [paperwork@hrsa.gov](mailto:paperwork@hrsa.gov) or call Samantha Miller, the HRSA Information Collection Clearance Officer, at (301) 443–3983.

**SUPPLEMENTARY INFORMATION:** When submitting comments or requesting information, please include the ICR title for reference.

*Information Collection Request Title:* Advanced Nursing Education (ANE) Program Specific Form OMB No. 0906–0089—Revision

*Abstract:* HRSA provides advanced nursing education grants to educational institutions to increase the supply, distribution, quality of, and access to advanced education nurses through the Advanced Nursing Education (ANE) Programs. The ANE Programs are authorized by Section 811 of the Public Health Service (PHS) Act (42 U.S.C. 296j), as amended. This clearance request is for continued approval of the information collection OMB No. 0906–0089 with revisions.

The proposed revision to Table 2 of the ANE Program Specific Form is to

remove the Part-Time column under the Nurse Midwife and Nurse Anesthetist specialty headers. This change reflects current program requirements, as these programs support only full-time trainees. This requirement applies to all trainees enrolled in either master's or doctoral programs. Because part-time enrollment is not an eligible training status under these programs, the Part-Time column is unnecessary and minimizes confusion for applicants.

*Need and Proposed Use of the Information:* Section 811 of the PHS Act provides the Secretary of Health and Human Services with the authority to award grants to and enter into contracts with eligible entities to meet the costs of: (1) projects that support the enhancement of advanced nursing education and practice; and (2) traineeships for individuals in advanced nursing education programs. Under this section, HRSA makes awards to entities who train and support nurses characterized as “advanced education nurses.” Section 805 of the PHS Act (42 U.S.C. 296d) requires that in awarding such grants, a statutory funding preference is given to “applicants with projects that will substantially benefit rural or medically underserved populations or help meet public health nursing needs in state or local health departments.” For traineeship awards, PHS Act section 811(h)(2) requires special consideration be given to an eligible entity that agrees to expend the award to train advanced education nurses who will practice in designated Health Professional Shortage Areas.

The ANE Program Specific Form allows HRSA to effectively target funding and measure the impact of the ANE Programs in meeting the legislative intent and program goals of supporting the enhancement of advanced nursing education and creating opportunities for individuals in advanced nursing education programs to increase the number of advanced practice nurses, especially in rural and medically underserved areas. Additionally, collecting this data assists HRSA in carrying out the most impactful program and ensuring resources are used responsibly.

*Likely Respondents:* Likely respondents will be current ANE Programs awardees and new applicants to ANE Programs.

*Burden Statement:* Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose

of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to

a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden

hours estimated for this ICR are summarized in the table below.

*Total Estimated Annualized Burden Hours:*

| Form name<br>(includes the ANE program specific tables and attachments) | Number of respondents | Number of responses per respondent | Total responses | Average burden per response (in hours) | Total burden hours |
|-------------------------------------------------------------------------|-----------------------|------------------------------------|-----------------|----------------------------------------|--------------------|
| Advanced Nursing Education Workforce .....                              | 156                   | 1                                  | 156             | 7                                      | 1,092              |
| Nurse Anesthetist Traineeship .....                                     | 61                    | 1                                  | 61              | 7                                      | 427                |
| ANE-Sexual Assault Nurse Examiners .....                                | 54                    | 1                                  | 54              | 7                                      | 378                |
| ANE-Nurse Practitioner Residency and Fellowship .....                   | 64                    | 1                                  | 64              | 7                                      | 448                |
| Maternity Care Nursing Workforce Expansion .....                        | 10                    | 1                                  | 10              | 7                                      | 70                 |
| <b>Total</b> .....                                                      | <b>345</b>            | .....                              | <b>345</b>      | .....                                  | <b>2,415</b>       |

HRSA specifically requests comments on: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**Maria G. Button,**

*Director, Executive Secretariat.*

[FR Doc. 2026-14705 Filed 7-21-26; 8:45 am]

**BILLING CODE 4165-15-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Contracts: Chemistry Center for Combating Antibiotic-Resistant Bacteria (CC4CARB).

*Date:* August 18, 2026.

*Time:* 11:00 a.m. to 2:20 p.m.

*Agenda:* To review and evaluate contract proposals.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Yong Gao, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496-8724, [yong.gao@nih.gov](mailto:yong.gao@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA-MH-27-205: Single Source: Accelerating Medicines Partnership Schizophrenia (AMP SCZ): Data Processing, Analysis, and Coordination Center (U24).

*Date:* August 26, 2026.

*Time:* 1:00 p.m. to 9:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Jingshan Chen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, (301) 594-9284, [jingshan.chen@nih.gov](mailto:jingshan.chen@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Panel: Blueprint MedTech Translator (Clinical Trial Optional).

*Date:* August 27, 2026.

*Time:* 12:00 p.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Cristina Backman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7846, Bethesda, MD 20892, (301) 827-3375, [cbackman@mail.nih.gov](mailto:cbackman@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 17, 2026.

**Bruce A. George,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2026-14752 Filed 7-21-26; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### Agency Information Collection

#### Activities: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery, 1601-0014

**AGENCY:** Department of Homeland Security (DHS).

**ACTION:** 30-Day notice and request for comments; Extension without change of a currently approved collection, 1600-0014.

**SUMMARY:** The Department of Homeland Security, DHS will submit the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. DHS previously published this information collection request (ICR) in the **Federal Register** on December 11, 2025, for a 60-day public comment period. No comments were received by DHS. The purpose of this notice is to allow additional 30-days for public comments.

**DATES:** Comments are encouraged and will be accepted until August 21, 2026. This process is conducted in accordance with 5 CFR 1320.10.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open

for Public Comments” or by using the search function.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

**SUPPLEMENTARY INFORMATION:** Executive Order 12862 directs Federal agencies to provide service to the public that matches or exceeds the best service available in the private sector. In order to work continuously to ensure that our programs are effective and meet our customers’ needs, Department of Homeland Security (hereafter “the Agency”) seeks to obtain OMB approval of a generic clearance to collect qualitative feedback on our service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study.

This collection of information is necessary to enable the Agency to garner customer and stakeholder feedback in an efficient, timely manner, in accordance with our commitment to improving service delivery. The information collected from our customers and stakeholders will help ensure that users have an effective, efficient, and satisfying experience with the Agency’s programs. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and

stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Improving agency programs requires ongoing assessment of service delivery, by which we mean systematic review of the operation of a program compared to a set of explicit or implicit standards, as a means of contributing to the continuous improvement of the program. The Agency will collect, analyze, and interpret information gathered through this generic clearance to identify strengths and weaknesses of current services and make improvements in service delivery based on feedback. The solicitation of feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency’s services will be unavailable.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency (if released, procedures outlined in Question 16 will be followed);
- Information gathered will not be used for the purpose of substantially informing influential policy decisions;
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study;
- The collections are voluntary.
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government.
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future; and
- With the exception of information needed to provide remuneration for participants of focus groups and cognitive laboratory studies, personally

identifiable information (PII) is collected only to the extent necessary and is not retained.

If these conditions are not met, the Agency will submit an information collection request to OMB for approval through the normal PRA process.

To obtain approval for a collection that meets the conditions of this generic clearance, a standardized form will be submitted to OMB along with supporting documentation (*e.g.*, a copy of the comment card). The submission will have automatic approval, unless OMB identifies issues within 5 business days.

The types of collections that this generic clearance covers include, but are not limited to:

- Customer comment cards/complaint forms
- Small discussion groups
- Focus Groups of customers, potential customers, delivery partners, or other stakeholders
- Cognitive laboratory studies, such as those used to refine questions or assess usability of a website;
- Qualitative customer satisfaction surveys (*e.g.*, post-transaction surveys; opt-out web surveys)
- In-person observation testing (*e.g.*, website or software usability tests)

The Agency has established a manager/managing entity to serve for this generic clearance and will conduct an independent review of each information collection to ensure compliance with the terms of this clearance prior to submitting each collection to OMB.

If appropriate, agencies will collect information electronically and/or use online collaboration tools to reduce burden.

Small business or other small entities may be involved in these efforts but the Agency will minimize the burden on them of information collections approved under this clearance by sampling, asking for readily available information, and using short, easy-to-complete information collection instruments.

Without these types of feedback, the Agency will not have timely information to adjust its services to meet customer needs.

If a confidentiality pledge is deemed useful and feasible, the Agency will only include a pledge of confidentiality that is supported by authority established in statute or regulation, that is supported by disclosure and data security policies that are consistent with the pledge, and that does not unnecessarily impede sharing of data with other agencies for compatible

confidential use. If the agency includes a pledge of confidentiality, it will include a citation for the statute or regulation supporting the pledge.

There is no change in the information being collected.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

#### Analysis

*Agency:* Department of Homeland Security (DHS).

*Title:* Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

*OMB Number:* 1601-0014.

*Frequency:* On occasion.

*Affected Public:* Private sector and individual household members.

*Number of Respondents:* 184,902.

*Estimated Time per Respondent:* 1 hour.

*Total Burden Hours:* 300,000.

**Robert Dorr,**

*Executive Director, Enterprise Business Management Directorate.*

[FR Doc. 2026-14788 Filed 7-21-26; 8:45 am]

**BILLING CODE 9112-FL-P**

## DEPARTMENT OF HOMELAND SECURITY

[Docket Number DHS-DHS-2026-0298]

### Agency Information Collection Activities: DHS Civil Rights and Civil Liberties Complaint and Privacy Waiver Form, 1601-0035

**AGENCY:** Department of Homeland Security (DHS).

**ACTION:** 60-Day notice and request for comments; reinstatement without change of a currently approved collection, 1601-0035.

**SUMMARY:** The Department of Homeland Security, will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted until September 21, 2026. This process is conducted in accordance with 5 CFR 1320.1.

**ADDRESSES:** You may submit comments, identified by docket number Docket # DHS- DHS-2026-0298, at:

○ *Federal eRulemaking Portal:* <http://www.regulations.gov>. Please follow the instructions for submitting comments.

*Instructions:* All submissions received must include the agency name and docket number Docket # DHS-DHS-2026-0298. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

**SUPPLEMENTARY INFORMATION:** The U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) reviews and investigates civil rights and civil liberties complaints filed by the public regarding U.S. Department of Homeland Security (DHS) policies and activities. Under 6 U.S.C. 345 and 42 U.S.C. 2000ee-1, CRCL reviews and assesses allegations involving a range of alleged civil rights and civil liberties abuses, such as:

- Discrimination based on race, ethnicity, national origin, religion, sex, sexual orientation, sex, or disability;
- Violation of rights while in immigration detention or as subject of immigration enforcement;
- Discrimination or inappropriate questioning related to entry into the United States;
- Violation of due process rights, such as the right to timely notice of charges or access to lawyer;
- Violation of confidentiality provisions of the Violence Against Women Act;
- Physical abuse or any other type of abuse;
- Denial of meaningful access to DHS or DHS-supported programs, activities, or services due to limited English proficiency and
- Any other civil rights, civil liberties, or human rights violation related to a Department program or activity, including allegations of discrimination by an organization or program that receives financial assistance from DHS.

The information collected on this form will allow CRCL to review and investigate civil rights and civil liberties complaints filed by the public regarding DHS programs and activities. CRCL submits copies of all external allegations of civil rights and civil liberties violations within its jurisdiction that it receives to the DHS Office of Inspector General (OIG) for review because OIG has the right of first refusal to investigate any allegations. If the OIG declines to investigate the allegations, CRCL may investigate. CRCL coordinates with DHS Components and the OIG regarding matters that CRCL opens as complaint investigations as well as some it decides not to investigate. In general, CRCL shares the incoming information with the Components involved and coordinates with the Components throughout a CRCL investigation. CRCL typically has a designated liaison office or person for each component and directs requests to them, which they route or share according to their internal procedures and obligations to obtain and share information with CRCL pursuant to statute, delegation, and other Department policies and directives. CRCL staff receive privacy training and adhere to DHS required policies and procedures regarding the protection of PII. At the conclusion of its complaint investigations, CRCL issues recommendations to DHS Components to address issues of concern and to enhance the agency's civil rights and civil liberties protections. CRCL also engages with Components on the implementation of such recommendations. In addition, the information provided is entered into a CRCL complaint management system (CMS) and may be used by CRCL to track allegations and identify trends and systemic issues that are within CRCL's jurisdiction regardless of whether CRCL investigates an individual allegation. CRCL has used information from these database records to notify DHS Components of issue areas and locations that may warrant closer attention. Information must be submitted to CRCL via the web form <https://www.dhs.gov/make-civil-rights-complaint> and may be initiated by members of the public, federal agencies, or agency personnel, non-governmental organizations, media reports or other sources. The use of the complaint form is optional and all fields do not have to be completed to submit a complaint. Furthermore, the complaints may be submitted anonymously. The form in an electronic form and it is available online for submission at <https://www.dhs.gov/>

*make-civil-rights-complaint.* This information collection does not have an impact on small businesses or other small entities. If the information collection is not conducted or is conducted less frequently, CRCL may not be able to effectively fulfill its statutory obligation to the public to review and investigate allegations involving alleged civil rights and civil liberties concerns regarding DHS policies and activities. The assurance of confidentiality provided to the respondents for this information collection will be provided by: CRCL's statute under 6 U.S.C. 345, 42 U.S.C. 2000ee-1; the Privacy Impact Assessment for the CRCL Complaint Form and Privacy Waiver; and the Systems of Record Notice: Department of Homeland Security/ALL-029 Civil Rights and Civil Liberties Records System of Records. This submission is a reinstatement of a previously approved collection. Any changes reflected are updates made to incorporate 2026 data and information. No other program changes or adjustments have been made beyond these updates.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

#### Analysis

*Agency:* Department of Homeland Security (DHS).

*Title:* DHS Civil Rights and Civil Liberties Complaint and Privacy Waiver Form.

*OMB Number:* 1601-0035.

*Frequency:* Annually.

*Affected Public:* Affected public.

*Number of Respondents:* 13,000.

*Estimated Time per Respondent:* .5 hrs (30 mins).

*Total Burden Hours:* 6,500 hrs (390,00 mins).

**Robert Dorr,**

*Executive Director, Business Management Directorate.*

[FR Doc. 2026-14787 Filed 7-21-26; 8:45 am]

**BILLING CODE 9112-FL-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[Docket No. FWS-HQ-IA-2026-2377; FXIA16710900000-267-FF09A30000]**

### Foreign Endangered Species; Receipt of Permit Applications

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of permit applications; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), invite the public to comment on applications to conduct certain activities with foreign species that are listed as endangered under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is issued that allows such activities. The ESA also requires that we invite public comment before issuing permits for any activity otherwise prohibited by the ESA with respect to any endangered species.

**DATES:** Comments will be accepted on or before August 21, 2026. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. eastern time on the closing date.

To ensure your comment is received and considered, you must submit it using one of the methods identified in the **ADDRESSES** section of this document. Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered.

#### ADDRESSES:

*Comment submission:* All submissions must include the docket number FWS-HQ-IA-2026-2377 for this document. You must submit comments using one of the following methods:

- *Electronic submission:* Federal eRulemaking Portal at: <https://www.regulations.gov>. In the Search box, enter FWS-HQ-IA-2026-2377, which is the docket number for this action. Then click the Search button. On the resulting page, you may submit a comment by clicking on "Comment." Please ensure that you have found the correct

document before submitting your comments.

- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS-HQ-IA-2026-2377, Policy and Regulations Branch, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041-3803.

Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered. We will not accept comments via email, fax, or hand delivery. We are not required to consider comments that are submitted after the comment period ends or that are submitted via a method outside of these instructions. Comments containing profanity, vulgarity, threats, or other inappropriate content will not be considered.

We will post all comments at <https://www.regulations.gov>. You may request that we withhold personal identifying information from public review; however, we cannot guarantee that we will be able to do so. For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION**.

#### FOR FURTHER INFORMATION CONTACT:

Brenda Tapia, by phone at 703-358-2185 or via email at [DMAFR@fws.gov](mailto:DMAFR@fws.gov). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

#### SUPPLEMENTARY INFORMATION:

#### I. Public Comment Procedures

##### A. How do I comment on submitted applications?

We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate

any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

#### B. May I review comments submitted by others?

You may view and comment on others' public comments at <https://www.regulations.gov> unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

#### C. Who will see my comments?

If you submit a comment at <https://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the website. If you submit a hard copy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

## II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the ESA prohibits certain activities with listed species unless Federal authorization is issued that allows such activities. Permits issued under section 10(a)(1)(A) of the ESA allow otherwise prohibited activities for scientific purposes or to enhance the propagation or survival of the affected species. Service regulations regarding prohibited activities with endangered species, captive-bred wildlife registrations, and permits for any activity otherwise prohibited by the ESA with respect to any endangered species are available in title 50 of the Code of Federal Regulations in part 17.

## III. Permit Applications

We invite comments on the following applications.

*Applicant: Metro Richmond Zoo, Moseley, VA; Permit No. PER33563708*

The applicant requests a permit to import four live, captive-born cheetahs (*Acinonyx jubatus*) from Canada for the purpose of enhancing the propagation or survival of the species. This notification is for a single import.

*Applicant: Peoria Zoo at Glen Oak, Peoria, IL; Permit No. PER32485361*

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species, to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

| Common name             | Scientific name                    |
|-------------------------|------------------------------------|
| Chinese alligator ..... | <i>Alligator sinensis</i> .        |
| Panamanian golden frog. | <i>Atelopus zeteki</i> .           |
| Grevy's Zebra .....     | <i>Equus grevyi</i> .              |
| Ring-tailed lemur ..... | <i>Lemur catta</i> .               |
| Mandrill .....          | <i>Mandrillus sphinx</i> .         |
| Siberian tiger .....    | <i>Panthera tigris altaica</i> .   |
| African lion .....      | <i>Panthera leo leo</i> .          |
| African lion .....      | <i>Panthera leo melanochaita</i> . |
| Cotton-top tamarin .... | <i>Saguinus oedipus</i> .          |

#### Multiple Trophy Applicants

The following applicants request permits to import sport-hunted trophies of male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd from the Republic of South Africa, for the purpose of enhancing the propagation or survival of the species.

- *Applicant:* Ross Henry Dies, Shreveport, LA; Permit No. PER33485428
- *Applicant:* James Leifeste, Aledo, TX; Permit No. PER33511301
- *Applicant:* Gregory Header, Richland, PA; Permit No. PER33613385
- *Applicant:* Mark Craig, Gibsonville, NC; Permit No. PER33617033

## IV. Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the notice announcing the permit issuance by searching <https://www.regulations.gov> for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to [regulations.gov](https://www.regulations.gov) and search for "12345A".

## V. Authority

We issue this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

#### Scott Carleton,

*Acting Branch Chief, Branch of Permits, Division of Management Authority.*

[FR Doc. 2026-14711 Filed 7-21-26; 8:45 am]

BILLING CODE 4333-15-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[Docket No. FWS-HQ-IA-2026-2212; FXIA16710900000-267-FF09A30000]

### Foreign Endangered Species; Receipt of Permit Applications

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of permit applications; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), invite the public to comment on applications to conduct certain activities with foreign species that are listed as endangered under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is issued that allows such activities. The ESA also requires that we invite public comment before issuing permits for any activity otherwise prohibited by the ESA with respect to any endangered species.

**DATES:** Comments will be accepted on or before August 21, 2026. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. eastern time on the closing date.

To ensure your comment is received and considered, you must submit it using one of the methods identified in the **ADDRESSES** section of this document. Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered.

#### ADDRESSES:

**Comment submission:** All submissions must include the docket number FWS-HQ-IA-2026-2212 for this document. You must submit comments using one of the following methods:

- **Electronic submission:** Federal eRulemaking Portal at: <https://www.regulations.gov>. In the Search box, enter FWS-HQ-IA-2026-2212, which is the docket number for this action. Then click the Search button. On the resulting

page, you may submit a comment by clicking on “Comment.” Please ensure that you have found the correct document before submitting your comments.

• *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2026–2212, Policy and Regulations Branch, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered. We will not accept comments via email, fax, or hand delivery. We are not required to consider comments that are submitted after the comment period ends or that are submitted via a method outside of these instructions. Comments containing profanity, vulgarity, threats, or other inappropriate content will not be considered.

We will post all comments at <https://www.regulations.gov>. You may request that we withhold personal identifying information from public review; however, we cannot guarantee that we will be able to do so. See Request for Public Comments for more information.

For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Timothy MacDonald, by phone at 703–358–2185 or via email at [DMAFR@fws.gov](mailto:DMAFR@fws.gov). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:**

**I. Public Comment Procedures**

*A. How do I comment on submitted applications?*

We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

*B. May I review comments submitted by others?*

You may view and comment on others’ public comments at <https://www.regulations.gov> unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

*C. Who will see my comments?*

If you submit a comment at <https://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

**II. Background**

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the ESA prohibits certain activities with listed species unless Federal authorization is issued that allows such activities. Permits issued under section 10(a)(1)(A) of the ESA allow otherwise prohibited activities for scientific purposes or to enhance the propagation or survival of the affected species. Service regulations regarding prohibited activities with endangered species, captive-bred wildlife registrations, and permits for any activity otherwise prohibited by the ESA with respect to any endangered

species are available in title 50 of the Code of Federal Regulations in part 17.

**III. Permit Applications**

We invite comments on the following applications.

*Applicant: University of Texas Southwestern Medical Center, Department of Neuroscience, Dallas, TX; Permit No. PER32930498*

The applicant requests authorization to import biological samples derived from captive-born grey mouse lemur (*Microcebus murinus*) for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

*Applicant: Matson’s Laboratory, Manhattan, MT; Permit No. PER33283644*

The applicant requests a permit to import tooth samples extracted from Przewalski’s horse (*Equus przewalskii*) skulls from France, to Montana, for the purpose of scientific research. This notification is for a single import.

*Applicant: Bramble Park Zoo, Watertown, SD; Permit No. PER19978932*

On June 16, 2025, we published a **Federal Register** notice inviting the public to comment on an application for authorization to conduct certain activities with endangered and threatened species (90 FR 25359). We are now republishing the notice to allow the public the opportunity to review additional information that was submitted after the initial publication. The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species, to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

| Common name                 | Scientific name                                  |
|-----------------------------|--------------------------------------------------|
| Ring-tailed lemur .....     | <i>Lemur catta</i> .                             |
| Black-&-white ruffed lemur. | <i>Varecia variegata</i> .                       |
| Siamang .....               | <i>Symphalangus syndactylus</i> .                |
| Golden lion tamarin ...     | <i>Leontopithecus rosalia</i> .                  |
| Tiger .....                 | <i>Panthera tigris</i> .                         |
| Snow leopard .....          | <i>Uncia</i> (= <i>Panthera</i> ) <i>uncia</i> . |
| Leopard .....               | <i>Panthera pardus</i> .                         |
| Bactrian camel .....        | <i>Camelus bactrianus</i> .                      |
| Japanese crane .....        | <i>Grus japonensis</i> .                         |
| Andean condor .....         | <i>Vultur gryphus</i> .                          |

*Applicant: James Badman, Mesa, AZ; Permit No. PER33159692*

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species, to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

| Common name                   | Scientific name                     |
|-------------------------------|-------------------------------------|
| Galapagos tortoise ....       | <i>Geochelone nigra</i> .           |
| Madagascar radiated tortoise. | <i>Geochelone radiata</i> .         |
| Spotted pond turtle ...       | <i>Geoclemys hamiltonii</i> .       |
| Bolson tortoise .....         | <i>Gopherus flavomarginatus</i> .   |
| Aquatic box turtle .....      | <i>Terrapene coahuila</i> .         |
| Cuban rock iguana ....        | <i>Cyclura nubila nubila</i> .      |
| Cayman Brac ground iguana.    | <i>Cyclura nubila caymanensis</i> . |
| San Esteban chuckwalla.       | <i>Sauromalus varius</i> .          |
| Rothchild's starling ....     | <i>Leucopsar rothschildi</i> .      |
| Cuban or Bahaman parrot.      | <i>Amazona leucocephala</i> .       |
| Vinaceous-breasted parrot.    | <i>Amazona vinacea</i> .            |
| Blue-throated macaw           | <i>Ara glaucogularis</i> .          |
| Military macaw .....          | <i>Ara militaris</i> .              |

*Applicant: Academy of Natural Sciences of Philadelphia DBA Academy of Natural Sciences of Drexel, Philadelphia, PA; Permit No. PER33310393*

The applicant requests the renewal of their permit to export and re-import non-living museum specimens of endangered and threatened species previously accessioned into the applicant's collection for scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

#### Multiple Trophy Applicants

The following applicants request permits to import sport-hunted trophies of male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd from the Republic of South Africa, for the purpose of enhancing the propagation or survival of the species.

- Applicant: Mathew Olsen, Victoria, TX; Permit No. PER33005203
- Applicant: Nicholas Austin Hardin, Houston, TX; Permit No. PER33006943
- Applicant: David Asal, Farmville, VA; Permit No. PER33009911

#### IV. Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the notice

announcing the permit issuance by searching <https://www.regulations.gov> for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to [regulations.gov](https://www.regulations.gov) and search for "12345A".

#### V. Authority

We issue this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

**Scott Carleton,**

*Acting Branch Chief, Branch of Permits, Division of Management Authority.*

[FR Doc. 2026-14712 Filed 7-21-26; 8:45 am]

**BILLING CODE 4333-15-P**

#### DEPARTMENT OF THE INTERIOR

##### Bureau of Land Management

**[A2407-014-004-065516, #O2509-014-004-125222; LLOR93600.L63000000.HN0000 26X]**

#### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Tramroads and Logging Roads

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Land Management (BLM) proposes extending an information collection.

**DATES:** Interested persons are invited to submit comments on or before August 21, 2026.

**ADDRESSES:** Written comments and recommendations for this information collection request (ICR) should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Jessica LeRoy by email at [jrleroy@blm.gov](mailto:jrleroy@blm.gov), or by telephone at (971) 439-5054. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States

should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

**SUPPLEMENTARY INFORMATION:** In accordance with the PRA (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we invite the public and other Federal agencies to comment on new, proposed, revised and continuing collections of information. This helps the BLM assess impacts of its information collection requirements and minimize the public's reporting burden. It also helps the public understand BLM information collection requirements and ensure requested data are provided in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on March 19, 2026 (91 FR 13322). No comments were received in response to that notice.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again inviting the public and other Federal agencies to comment on the proposed ICR described below. The BLM is especially interested in public comment addressing the following:

(1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How the agency could minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments submitted in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personally identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you can ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

**Abstract:** The BLM Oregon State Office has authority under the Oregon

and California Revested Lands Sustained Yield Management Act of 1937 (43 U.S.C. 2601 and 2602) and subchapter V of the Federal Land Policy and Management Act (43 U.S.C. 1761–1771) to grant rights-of-way to private landowners to transport their timber over roads controlled by the BLM. This information collection enables the BLM to calculate and collect appropriate fees for this use of public lands. This OMB Control Number is currently scheduled to expire on October 31, 2026. The BLM request that OMB renew this OMB Control Number for an additional three (3) years.

*Title of Collection:* Tramroads and Logging Roads (43 CFR part 2810).

*OMB Control Number:* 1004–0168.

*Form Numbers:* OR–2812–6.

*Type of Review:* Extension of a currently approved collection.

*Respondents/Affected Public:* Private landowners who hold rights-of-way for the use of BLM-controlled roads in western Oregon.

*Total Estimated Number of Annual Respondents:* 1,088.

*Total Estimated Number of Annual Responses:* 1,088.

*Estimated Completion Time per Response:* 8 hours.

*Total Estimated Number of Annual Burden Hours:* 8,704.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* Annually, biannually, quarterly, or monthly, depending on the terms of the pertinent right-of-way.

*Total Estimated Annual Non-hour Burden Cost:* None.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Darrin King,**

*Information Collection Clearance Officer.*

[FR Doc. 2026–14807 Filed 7–21–26; 8:45 am]

**BILLING CODE 4310–84–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N7349; NPS–WASO–NAGPRA–NPS0043289; PPWOCRADN0–PCU00RP14.R50000]

### Notice of Intended Repatriation: Sonoma State University, Rohnert Park, CA

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Sonoma State University intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the cultural items in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send additional, written requests for repatriation of the cultural items in this notice to Kirsten Twork, Sonoma State University, 1801 E Cotati Avenue, Rohnert Park, CA 94928, email [tworkk@sonoma.edu](mailto:tworkk@sonoma.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Sonoma State University, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

### Abstract of Information Available

A total of 70,589 lots of unassociated funerary objects have been requested for repatriation.

A total of 866 lots of unassociated funerary objects were removed from CA–SON–1343 in Santa Rosa, California in Sonoma county. The items include groundstone, modified stone, debitage, soil, firecracked rock, and gravel. The material was removed during an archaeological site investigation due the construction of a parking lot over the site area. The investigation provides suggestions on how to move forward with the construction of the parking lot while still protecting the site. The cultural material has been at the university since at least 1981.

A total of 33 lots of unassociated funerary objects were removed from CA–SON–466 in Santa Rosa, California in Sonoma county. The items include groundstone, modified stone, shell beads, and debitage. The material was removed during a cultural resource evaluation to investigate the impact areas that would be disturbed during the Santa Rosa Effluent Disposal System. The cultural items have been at Sonoma State University since 1983.

A total of 3,316 lots of unassociated funerary objects were removed from

CA–SON–1042 in Santa Rosa, California in Sonoma county. The items include modified stone, soil, historic, petrified wood, unmodified stone, and debitage. One portion of the cultural material came to the university in 1979, resulting from an archaeological investigation of the site impact area due the development of the Bennett Valley Golf Course. The second portion came in 1980 associated with an archaeological investigation of the impacted area due to the development of housing. The cultural items have been at Sonoma State University since their removal.

A total of 14,927 lots of unassociated funerary objects were removed from CA–SON–1250 and CA–SON–1251 in Santa Rosa, California in Sonoma county. The items include modified stone, debitage, shell beads, faunal bone, modified faunal bone, soil, unmodified stone, historic, organics, unmodified shell, coal, petrified wood, baked clay, and groundstone. The cultural material came to the university during three different time periods, in 1982, 1985, and 1995. The first portion of cultural material was removed from the site during an archaeological test excavation to determine the significance of the site and offer management recommendations. The second portion of cultural material was removed related to the construction of a bridge and realign a portion of Bennett Valley Road. The last is related to an archaeological project in 1995. The cultural items have been at Sonoma State University since coming to the university.

A total of 135 lots of unassociated funerary objects were removed from P–49–003870 in Santa Rosa, California in Sonoma county. The items include modified stone tools, shell, faunal bone, and historic. The material was removed from a site during a cultural resource study for the Santa Rosa Multi-Use Project proposed by the City of Santa Rosa Public Works Department. The cultural items have been at Sonoma State University since 2015.

A total of seven lots of unassociated funerary objects were removed from CA–SON–19 in Santa Rosa, California in Sonoma county. The items include modified stone and debitage. The cultural material was removed during an archaeological survey of the area. The cultural items have been at Sonoma State University since 1973.

A total of 14 lots of unassociated funerary objects were removed from CA–SON–720 in Santa Rosa, California in Sonoma county. The items include groundstone, unmodified stone, modified faunal bone, and modified stone. The cultural material was

removed from the site during two different projects in 1973 and 1981. The first portion of material was removed during an archaeological reconnaissance of Hillview Manor Subdivision. The second resulted from an archaeological study for the Northwest Santa Rosa Annexation 17–80 Environmental Impact Report. The cultural items have been at Sonoma State University since its removal.

A total of 861 lots of unassociated funerary objects were removed from CA–SON–1689 in Santa Rosa, California in Sonoma county. The items include modified stone, unmodified faunal bone, unmodified shell, historic, and debitage. The cultural material came to the university during two different time periods, in 1988 and 1989. The first portion of material came was removed in relation to an archaeological survey conducted to construction set to occur within the project boundary. The second portion of material came from a test excavation related to the 1988 survey. The cultural items have been at Sonoma State University since its removal.

A total of 477 lots of unassociated funerary objects were removed from CA–SON–1182 in Santa Rosa, California in Sonoma county. The items include groundstone tools, unmodified shell, debitage, unmodified faunal bone, and historic. The cultural material came to the university during two different time periods, in 1979 and 1996. The first portion of material is related to an archaeological survey for the proposed county bridge and road reconstruction project at the intersection of Grange and Bennett Valley Roads. The second portion is related to the Grange Road Bridge Replacement Project. The cultural items have been at Sonoma State University since its removal.

A total of 537 lots of unassociated funerary objects were removed from CA–SON–2151 in Santa Rosa, California in Sonoma county. The items include modified stone and debitage. The cultural material was removed during an archaeological investigation of the site due to the site being within the project boundaries of the proposed Los Guilicos Juvenile Hall Replacement Project. The cultural items have been at Sonoma State University since 2001.

A total of 18,297 lots of unassociated funerary objects were removed from CA–SON–20 in Santa Rosa, California in Sonoma county. The items include modified stone, unmodified faunal bone, groundstone, debitage, unmodified shell, soil, and historic. The cultural material came to the university during three different time periods, in 1978, 1981, and 1983. All

three instances of removal are related to the Santa Rosa Bible School excavation. The cultural items have been at Sonoma State University since its removal.

A total of 15 lots of unassociated funerary objects were removed from CA–SON–745 in Santa Rosa, California in Sonoma county. The items include modified stone, shell beads, unmodified faunal bone, and groundstone. The cultural material was removed during the drilling and construction of a mobile home pad. The cultural items have been at Sonoma State University since 1975.

A total of 279 lots of unassociated funerary objects were removed from CA–SON–1036 in Santa Rosa, California in Sonoma county. The items include debitage, modified stone, historic, and unmodified faunal bone. The cultural material was removed from the site during a test excavation. The cultural items have been at Sonoma State University since 1977.

A total of 2,198 lots of unassociated funerary objects were removed from CA–SON–1058 in Santa Rosa, California in Sonoma county. The items include modified stone, groundstone, historic, modified faunal bone, unmodified faunal bone, charcoal, baked clay, unmodified shell, and debitage. The cultural material was removed from the site during an archaeological excavation by the Santa Rosa Junior College. The cultural items have been at Sonoma State University since 1977.

A total of two lots of unassociated funerary objects were removed during the Santa Rosa Bible Church survey in Santa Rosa, California in Sonoma county. The items include debitage and historic. The cultural items have been at Sonoma State University since 1978.

A total of 8,786 lots of unassociated funerary objects were removed from CA–SON–84 in Santa Rosa, California in Sonoma county. The items include modified stone, groundstone, debitage, modified faunal bone, shell beads, firecracked rock, unmodified shell, unmodified faunal bone, charcoal, unmodified stone, soil, baked clay, and historic. The cultural material was removed for the site during an archaeological survey of the Summerfield Heights subdivision. The purpose of the project was to identify cultural material within the project area and create recommendations on how to mitigate negative impacts. The cultural items have been at Sonoma State University since 1978.

A total of 2,344 lots of unassociated funerary objects were removed from CA–SON–1044 in Santa Rosa, California in Sonoma county. The items include shell beads, groundstone, modified stone, modified faunal bone,

unmodified faunal bone, historic, unmodified shell, unmodified stone, and debitage. The cultural material came to the university during two different time periods, in 1977 and 1978. Both instances of removal are related to an archaeological survey investigation of the site at the request of the Old Orchard subdivision. The cultural items have been at Sonoma State University since its removal.

A total of four lots of unassociated funerary objects were removed from CA–SON–5 in Santa Rosa, California in Sonoma county. The items include groundstone, modified stone, and unmodified faunal bone. The cultural material came to the university during two different time periods, in 1975 and 1979. Both instances of removal occurred during archaeological site re-surveys. The cultural items have been at Sonoma State University since its removal.

A total of 447 lots of unassociated funerary objects were removed from CA–SON–719 in Santa Rosa, California in Sonoma county. The items include unmodified faunal bone and historic. The cultural material was removed from the site during the Occidental Road Test Excavations. The cultural items have been at Sonoma State University since 1979.

A total of 175 lots of unassociated funerary objects were removed from CA–SON–1047 in Santa Rosa, California in Sonoma county. The items include modified stone, debitage, historic, charcoal, unmodified faunal bone, unmodified shell, and soil. The cultural material was removed from the site during the Occidental Road Test Excavations. The cultural items have been at Sonoma State University since 1979.

A total of 488 lots of unassociated funerary objects were removed from CA–SON–1049 in Santa Rosa, California in Sonoma county. The items include groundstone, modified stone, debitage, historic, unmodified faunal bone, and unmodified shell. The cultural material came to the university during three different time periods, in 1977, 1979, and 1983. The first instance of removal was during the Occidental Road Test Excavation. The second occurred during the Three Bridge Excavation and information as to why the cultural material was removed was not identified. The cultural items have been at Sonoma State University since its removal.

A total of 2,075 lots of unassociated funerary objects were removed from CA–SON–1807 in Santa Rosa, California in Sonoma county. The items include modified stone, debitage, fire cracked

rock, baked clay, historic, soil, groundstone, unmodified faunal bone, and unmodified shell. The cultural material was removed from the location during an archaeological excavation. The cultural items have been at Sonoma State University since 1990.

A total of 14,306 lots of unassociated funerary objects were removed from CA-SON-2098 in Santa Rosa, California in Sonoma county. The items include modified stone, column samples, debitage, groundstone, and soil. The cultural material was removed during the Santa Rosa Memorial Hospital project. The cultural items have been at Sonoma State University since 1993.

In the case of missing cultural items, any additional items when located will also be repatriated from the collections discussed above. Based on records concerning the cultural items and the institution in which they are housed, there is no evidence of the items being treated with hazardous substances.

#### Determinations

Sonoma State University has determined that:

- The 70,589 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Federated Indians of Graton Rancheria, California.

#### Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, Sonoma State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Sonoma State University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026-14725 Filed 7-21-26; 8:45 am]

**BILLING CODE 4312-52-P**

#### DEPARTMENT OF THE INTERIOR

##### National Park Service

[N7335; NPS-WASO-NAGPRA-NPS0043275; PPWOCRADNO-PCU00RP14.R50000]

#### Notice of Inventory Completion: U.S. Department of Energy, Idaho Operations Office, Idaho Falls, ID

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of Energy, Idaho Operations Office (DOE-ID) has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the associated funerary objects in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send written requests for repatriation of the associated funerary objects in this notice to Mr. Michael McAnulty, Deputy Manager, Department of Energy, Idaho Operations Office, 1955 Fremont Avenue, MS-1203, Idaho Falls, ID 83415, email [mcanulmj@id.doe.gov](mailto:mcanulmj@id.doe.gov) and Mr. Doug Herzog, National Environmental Policy Act Compliance Officer, Department of Energy, Idaho Operations Office, 1955 Fremont Avenue, MS-1216, Idaho Falls, ID 83415, email [herzogrd@id.doe.gov](mailto:herzogrd@id.doe.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the DOE-ID, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

In 2022, Native American human remains were identified in situ at an archaeological site, which is located in the "Embayments" area on Idaho National Laboratory Site lands, during site monitoring. In 2024, Department of Energy, Idaho Operations Office initiated consultation with the Shoshone-Bannock Tribes to determine if other items previously collected within the site boundary, and more specifically, proximate to the human remains, were cultural items as defined in 43 CFR 10.2. The Shoshone-Bannock Tribes Heritage Tribal Office and Fort Hall Business Council members met at the Idaho Museum of Natural History in Pocatello, Idaho on February 28, 2025, and determined 32 items collected are associated funerary objects under NAGPRA. The 32 associated funerary objects include 28 black obsidian biface tools and four arrow shafts. The associated funerary objects were collected in 1970, 2012, and 2014.

#### Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the associated funerary objects described in this notice.

#### Determinations

The DOE-ID has determined that:

- The 32 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- There is a connection between the associated funerary objects described in this notice and the Shoshone-Bannock Tribes of the Fort Hall Reservation.

#### Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, the DOE-ID must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The DOE-ID is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026-14716 Filed 7-21-26; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N7343; NPS-WASO-NAGPRA-NPS0043283; PPWOCRADN0-PCU00RP14.R50000]

**Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and Eastern Washington University, Cheney, WA**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Bureau of Indian Affairs (BIA) and Eastern Washington University has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the human remains and associated funerary objects in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send written requests for repatriation of the human remains and associated funerary objects in this notice to Tamara Billie, NAGPRA Manager, Bureau of Indian Affairs, 1001 Indian School Road NW, Mailbox 44, Albuquerque, NM 87104, email [tamara.billie@bia.gov](mailto:tamara.billie@bia.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BIA and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

### Abstract of Information Available

Human remains representing, at least, three individuals have been identified. The one associated funerary object is a mammal bone. In 1950, human remains were recovered by a University of Washington Field Party possibly under the direction of Douglas Osborne, as a part of archeological investigations in Okanogan County in the Chief Joseph Reservoir, Okanogan County, WA. The site (45-OK-10) is located within the current boundaries of the Confederated Tribes of the Colville Reservation. The recovered archeological materials, including human remains and funerary objects, were sent to the Washington State Museum, Seattle, WA (now the Thomas Burke Washington State Memorial Museum), and accession in 1966 (Accn. 1966-92). No known individuals were identified. In 1974, the Burke Museum transferred portions of the human remains to Seattle University. Sometime in the early 1990s, these human remains were transferred to the Confederated Tribes of the Colville Reservation, then subsequently transferred in 1992 to Eastern Washington University for identification. The site (45-OK-10) is located within the current boundaries of the Confederated Tribes of the Colville Reservation. This area was historically and prehistorically occupied by the Interior Salishan group, the Nespelem. The artifacts from the site include both pre- and post-contact materials. The site is located between two major Hudson's Bay Company Forts, Fort Okanogan, which was in operation between 1812 to 1860, and Fort Colville, which was in operation between 1825-1870. There were few Euro-American settlers in the area until after 1900 (Osborne, Crabtree, and Brian 1952). Sites in the surrounding area (45OK159 and 45OK7)

include historic funerary objects associated with Native American burials (Cook 2013). The Nespelem traditionally occupied the area surrounding the Nespelem River and the Columbia River to the confluence with the Okanogan River (Ruby and Brown 2010). The Nespelem speak Interior Salish. Today, the Nespelem are represented by the Confederated Tribes of the Colville Reservation.

### Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

### Determinations

The BIA has determined that:

- The human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- The one object described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Confederated Tribes of the Colville Reservation.

### Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, BIA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The BIA is responsible for sending a copy of this

notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026–14719 Filed 7–21–26; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N7330; NPS–WASO–NAGPRA–NPS0043273; PPWOCRADN0–PCU00RP14.R50000]

**Notice of Intended Repatriation:**  
**William S. Webb Museum of Anthropology, University of Kentucky, Lexington, KY**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the William S. Webb Museum of Anthropology, University of Kentucky (WSWM) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the cultural items in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send additional, written requests for repatriation of the cultural items in this notice to Dr. Celise Chilcote-Fricker, William S. Webb Museum of Anthropology, University of Kentucky, 1020 Export Street, Lexington, KY 40504, email [celise.fricker@uky.edu](mailto:celise.fricker@uky.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the WSWM, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

### Abstract of Information Available

A total of 14 cultural items have been requested for repatriation. The 14 unassociated funerary objects are one lot

faunal, one awl splinter and 12 dogs. Site 15McL11, the Ward Site (aka the Cypress Creek Site) in McLean County, Kentucky was excavated in 1938 by University of Kentucky archaeologists under contract to the Works Progress Administration. No known hazardous substances are present.

### Determinations

The WSWM has determined that:

- The 14 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a connection between the human remains and associated funerary objects described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Shawnee Tribe; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

### Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, the WSWM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The WSWM is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in

this notice and to any other consulting parties.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026–14737 Filed 7–21–26; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N7329; NPS–WASO–NAGPRA–NPS0043271; PPWOCRADN0–PCU00RP14.R50000]

**Notice of Intended Repatriation:**  
**Buffalo Society of Natural Sciences, Buffalo Museum of Science, Buffalo, NY**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Buffalo Society of Natural Sciences intends to repatriate a certain cultural item that meets the definition of an object of cultural patrimony and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the cultural item in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send additional, written requests for repatriation of the cultural item in this notice to Kathryn H. Leacock, Buffalo Society of Natural Sciences, Buffalo Museum of Science, 1020 Humboldt Parkway, Buffalo, NY 14211, email [kleacock@sciencebuff.org](mailto:kleacock@sciencebuff.org).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Buffalo Society of Natural Sciences and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

### Abstract of Information Available

A total of one cultural item has been requested for repatriation. The object of cultural patrimony is known as catalog number C13450 and is made of woven plant fiber. Museum catalog records

indicate that C13450 was received by the Buffalo Museum of Science in 1940 as part of an exchange with the Denver Art Museum. No provenance information was provided and it was received as an "Osage Mat". Through consultation, it was determined that this belonging is an object of cultural patrimony consecrated and used during ceremonies conducted by Osage clan priests.

#### Determinations

The Buffalo Society of Natural Sciences has determined that:

- The one object of cultural patrimony described in this notice has ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural item described in this notice and The Osage Nation.

#### Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, the Buffalo Society of Natural Sciences must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The Buffalo Society of Natural Sciences is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026-14736 Filed 7-21-26; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N7324; NPS-WASO-NAGPRA-NPS0043267; PPWOCRADNO-PCU00RP14.R50000]

### Notice of Intended Repatriation: California Department of Transportation, District 8, San Bernardino, CA

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), California Department of Transportation (Caltrans) intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the cultural items in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send additional, written requests for repatriation of the cultural items in this notice to Julie Scrivner, Associate Environmental Planner, MS 825, California Department of Transportation, 464 West 4th Street, San Bernardino, CA 92401, email [julie.scrivner@dot.ca.gov](mailto:julie.scrivner@dot.ca.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Caltrans and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

A total of 15 lots of cultural items, categorized by object or material classification, have been requested for repatriation from two San Bernardino County collections. From CA-SBR-1650, five lots of objects of cultural patrimony represent lithics (primarily quartzite, jasper, chalcedony, and obsidian), worked and unworked faunal bone, groundstone, ecofacts, and other. From CA-SBR-15103/H, 10 lots of objects of cultural patrimony represent modified and unmodified faunal bone, charcoal, shell, flaked stone or lithics, groundstone, manuports, botanical material, bone bead, ceramic clay, and other.

The objects of cultural patrimony recovered from CA-SBR-1650 were the

result of 1976 test excavations conducted in support of Caltrans' State Route 18 Godwins Curve Realignment Project in Big Bear Valley. Those recovered from CA-SBR-15103/H were result of 2012 Phase II excavations conducted in support of Caltrans' State Route 58 Hinkley Expressway Widening Project near Hinkley. The collections are currently in the custody of the San Bernardino County Museum (SBCM) under Accessions SBCM-44 (SBCM-44a and SBCM 44b) and SBCM-6284, respectively.

Objects included in this notice are currently missing from both collections, and SBCM and Caltrans continue to look for them. There are no known/ documented potentially hazardous substances used to treat any of the cultural items.

#### Determinations

Caltrans has determined that:

- The 15 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Yuhaaviatam of San Manuel Nation (previously listed as San Manuel Band of Mission Indians, California).

#### Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, Caltrans must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. Caltrans is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in

this notice and to any other consulting parties.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: July 15, 2026

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026-14730 Filed 7-21-26; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N7322; NPS-WASO-NAGPRA-NPS0043265; PPWOCRADNO-PCU00RP14.R50000]

#### Notice of Inventory Completion: Michigan History Center, Lansing, MI

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Michigan History Center has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the human remains and associated funerary objects in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send written requests for repatriation of the human remains and associated funerary objects in this notice to Tobi Voigt, Director of Museums, Michigan History Center, 702 W. Kalamazoo Street, Lansing, MI 48915, email [VoigtT@Michigan.gov](mailto:VoigtT@Michigan.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Michigan History Center, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

Human remains representing, at least, one individual has been identified. The eight associated funerary objects are silver brooches pinned through hair braid. Human remains representing, at

minimum, one individual were removed from St. Joseph County, MI. On August 5, 1908, David Beerstecher removed a braid of hair with silver brooches from a burial site (20SJ152) in Three Rivers, MI. Beerstecher excavated multiple burials. The grave from which the braid of hair was removed also included additional human remains and funerary objects which were not donated to the Michigan History Center. Beerstecher indicated that French-made trade silver was included among the funerary objects, which provides an estimated date range for the burial of around A.D. 1760-1796. The Anishinabek (principally the Potawatomi) and the Miami were the predominant Tribes living in the area at the estimated time for the burial. However, several additional Tribes visited and traded in the region during the French period, including (but not limited to) Ojibwe, Odawa, Sac, Fox, and Peoria Tribes. The Anishinabek leader Cushaway or Cush-ee-wee was known to have established a village near the burial site and Three Rivers, MI, in the early-1800s. The one associated funerary object is one lot of silver brooches.

#### Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

#### Determinations

The Michigan History Center has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The eight objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Little Shell Tribe of Chippewa Indians of Montana; Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (previously listed as Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan); Miami Tribe of Oklahoma; Nottawaseppi Huron Band of the Potawatomi, Michigan; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Sac & Fox Nation, Oklahoma;

and the Sac & Fox Tribe of the Mississippi in Iowa.

#### Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, the Michigan History Center must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Michigan History Center is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026-14728 Filed 7-21-26; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N7325; NPS-WASO-NAGPRA-NPS0043268; PPWOCRADNO-PCU00RP14.R50000]

#### Notice of Inventory Completion: University of Cincinnati, Cincinnati, OH

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Cincinnati has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural

affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the human remains and associated funerary objects in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Susan E. Allen, University of Cincinnati, Department of Anthropology, PO Box 210380, Cincinnati, OH 45221-0380, email [allese@ucmail.uc.edu](mailto:allese@ucmail.uc.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Cincinnati, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

Based on the information available, human remains representing, at least, 22 individuals have been reasonably identified. The 16 associated funerary objects are seven lots of soil and fractions from flotation; three lots of burned faunal bone; two lots unburned faunal bone; one lot of unsorted faunal bone/stone; one lot of dog bone; one lot of faunal bone; and one lot of mixed (unsorted) materials. All Ancestral human remains and associated funerary objects reported here were recovered from three sites in Hamilton County in southwestern Ohio. These are the Early to Late Woodland Newtown Firehouse site (33Ha419), the Middle Woodland Turner site (33Ha26, 127[41]), and the Archaic/Woodland Wesley Butler site (33Ha63-4, 33Ha338-9 [63]). The University of Cincinnati has no records indicating that these Ancestral human remains or associated funerary objects were exposed to any hazardous substances while in the stewardship of the University.

#### Newtown Firehouse Site (33Ha419)

The Miami Purchase Association (now Cincinnati Museum Center) conducted limited salvage excavation at the Newtown Firehouse site in 1980 in association with construction of a hose tower. In the same year, the Hamilton County Coroner's Office transferred the recovered human remains and associated cultural objects to former

University of Cincinnati faculty member Anthony Perzigian for assistance with identifications. Recent review of materials from backdirt and trenches identified the remains of, at minimum, 18 Ancestors, an increase from the 1995 reported minimum of 10 Ancestors. There are 14 associated funerary objects, including seven lots of soil and fractions from flotation, three lots of burned animal bone, two lots of unburned animal bone, one lot of animal bone/stone, and one lot of dog bones. This is a split collection and additional Ancestral remains from this site were reported in a Notice of Inventory Completion published in the **Federal Register** by the Cincinnati Museum Center (formerly the Miami Purchase Association) on May 14, 2025 (90 FR 20491).

*Wesley Butler (33Ha63-4, 33 Ha 338-9 [63])*

Ancestral remains from a minimum of three individuals and two associated funerary objects including one lot of faunal bone and one lot of mixed (unsorted) materials were found from the Wesley Butler site. As reported in a 1980 letter from Robert Genheimer (then with the Miami Purchase Association) that was found in the box with the Ancestral remains, private landowner John Douglas made accidental discoveries of the human remains and associated funerary objects at the Wesley Butler site during field plowing. Douglas turned over the Ancestral remains and all cultural materials to the Miami Purchase Association, which were later transferred to the University on an unknown date, likely in 1980. Genheimer's letter indicates that the site is predominately Late Archaic, although several mounds were reported in the vicinity. Genheimer further noted that the Late Archaic component was characterized by several diminutive knives or "bird points," to the exclusion of most other Late Archaic point types. The Ohio Historical Society (now Ohio History Collection) also held materials from this site at the time the letter was written.

*Turner site (33Ha26, 127[41])*

In 2007, a former University of Cincinnati faculty member conducted limited excavation at the Turner site and recovered materials from a "midden trench" in an unknown location. During collections review, Ancestral remains from a minimum of one individual was identified in the collection, likely dating between 500 BC to A.D. 500. No associated funerary objects are present.

#### Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

#### Determinations

The University of Cincinnati has determined that:

- The human remains described in this notice represent the physical remains of 22 individuals of Native American ancestry.
- The 16 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Miami Tribe of Oklahoma; Shawnee Tribe; The Osage Nation; and the Wyandotte Nation.

#### Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, the University of Cincinnati must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The University of Cincinnati is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 15, 2026

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026–14731 Filed 7–21–26; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[N7342; NPS–WASO–NAGPRA–  
NPS0043282; PPWOCRADNO–  
PCU00RP14.R50000]**

#### Notice of Intended Repatriation: Abbe Museum, Bar Harbor, ME

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Abbe Museum intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the cultural items in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send additional, written requests for repatriation of the cultural items in this notice to Aaron F. Miller, Curator of Exhibits & Collections, Abbe Museum, P.O. Box 286, Bar Harbor, ME 04609, email [aaron@abbemuseum.org](mailto:aaron@abbemuseum.org).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Abbe Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

A total of two cultural items have been requested for repatriation. The two unassociated funerary objects are 17th-century glass trade beads.

The two aforementioned unassociated funerary objects were identified as such in February of 2026 during a review of the physical object records. The unassociated funerary objects were donated to the Abbe Museum by M. Moore in 1926 and were recorded in the original ledger book as recovered by Clarence W. Alley at Oak Point in Trenton, ME in 1865. A September 1, 1926 letter from Alley to Robert Abbe states: "I found the beads where [a] cart

wheel had cut down into an Indian grave."

Additional materials from this site were repatriated by the Abbe Museum in 2020 to the The Wabanaki Tribes of Maine Intertribal Repatriation Committee representing the Houlton Band of Maliseet Indians, Mi'kmaq Nation, Passamaquoddy Tribe, and Penobscot Nation (see **Federal Register** 85 FR 335, January 3, 2020).

#### Determinations

The Abbe Museum has determined that:

- The two unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Houlton Band of Maliseet Indians; Mi'kmaq Nation (previously listed as Aroostook Band of Micmacs); Passamaquoddy Tribe; and the Penobscot Nation.

#### Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, the Abbe Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Abbe Museum is responsible for sending a copy of this notice to the Indian Tribes and Native

Hawaiian organizations identified in this notice and to any other consulting parties.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026–14718 Filed 7–21–26; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[N7346; NPS–WASO–NAGPRA–  
NPS0043286; PPWOCRADNO–  
PCU00RP14.R50000]**

#### Notice of Intended Repatriation: The University of Tennessee, Department of Anthropology, Knoxville, TN, and the Frank H. McClung Museum of Natural History & Culture, Knoxville, TN

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Tennessee, Department of Anthropology and the Frank H. McClung Museum of Natural History & Culture (UTK), intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the cultural items in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send additional, written requests for repatriation of the cultural items in this notice to Dr. Ellen Lofaro, University of Tennessee, Office of Repatriation, 5723 Middlebrook Pike, Knoxville, TN 37996, email [nagpra@utk.edu](mailto:nagpra@utk.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UTK, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

### Abstract of Information Available

A total of 18 lots of cultural items have been requested for repatriation. The 18 lots of unassociated funerary objects include historic items, textiles and botanical samples.

These items were removed during a 1938 Works Progress Administration project conducted at 40PK1, Ocoee, in Polk County, Tennessee. These items were present in documented burials located in unit 2PK1. The cultural items, site unit, burial, and site features were specifically identified as Historic Cherokee.

It is unknown if the items were treated with hazardous substances.

### Determinations

UTK has determined that:

- The 18 lots of unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

### Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, UTK must determine the most appropriate requestor prior to repatriation. Requests for joint

repatriation of the cultural items are considered a single request and not competing requests. UTK is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026-14722 Filed 7-21-26; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[N7340; NPS-WASO-NAGPRA-NPS0043280; PPWOCRADNO-PCU00RP14.R50000]**

### Notice of Intended Repatriation: Milwaukee Public Museum, Milwaukee, WI

**AGENCY:** National Park Service, Interior.  
**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Milwaukee Public Museum intends to repatriate a certain cultural item that meets the definition of an unassociated funerary object and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the cultural item in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send additional, written requests for repatriation of the cultural item in this notice to Dawn Scher Thomae, Milwaukee Public Museum, 800 W. Wells Street, Milwaukee, WI 53233, email [thomae@mpm.edu](mailto:thomae@mpm.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Milwaukee Public Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

### Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one

unassociated funerary object is a stone owl effigy pipe. It was “. . . found on the east bank of Lake Winnebago, Wisconsin on the Stockbridge Reservation. R.R. 3- 53 Chilton. Found by Harmon Stevens on his farm on lot as they call it while plowing in 1899.” It was obtained from Edw., R, Theby by George West in 1906 and donated to the Milwaukee Public Museum in 1913. No hazardous substances were used to treat this item.

### Determinations

The Milwaukee Public Museum has determined that:

- The one unassociated funerary object described in this notice is reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary object has been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural item described in this notice and the Ho-Chunk Nation of Wisconsin and the Stockbridge Munsee Community, Wisconsin.

### Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, the Milwaukee Public Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The Milwaukee Public Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian

organizations identified in this notice and to any other consulting parties.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026-14715 Filed 7-21-26; 8:45 am]

BILLING CODE 4312-52-P

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N7336; NPS-WASO-NAGPRA-NPS0043276; PPWOCRADN0-PCU00RP14.R50000]

#### Notice of Inventory Completion: Yale Peabody Museum, Yale University, New Haven, CT

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Yale Peabody Museum has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes in this notice.

**DATES:** Repatriation of the human remains in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send written requests for repatriation of the human remains in this notice to Professor Erika Edwards, Interim Director, Yale Peabody Museum, P.O. Box 208118, New Haven, CT 06520-8118, email [erika.edwards@yale.edu](mailto:erika.edwards@yale.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Yale Peabody Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. The collection was removed from the vicinity of the North Fork Republican River in Yuma County, Colorado, or Dundy County, Nebraska, likely by Dr. W.H. King at an unknown time prior to

1871. The collection was received at the Yale Peabody Museum on January 28, 1871, from Fort Wallace, Kansas, where Dr. King was post surgeon.

#### Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

#### Determinations

The Yale Peabody Museum has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Comanche Nation, Oklahoma.

#### Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, the Yale Peabody Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Yale Peabody Museum is responsible for sending a copy of this notice to the Indian Tribes identified in this notice and any other consulting parties.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026-14733 Filed 7-21-26; 8:45 am]

BILLING CODE 4312-52-P

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N7347; NPS-WASO-NAGPRA-NPS0043287; PPWOCRADN0-PCU00RP14.R50000]

#### Notice of Inventory Completion: The University of Tennessee, Department of Anthropology, Knoxville, TN, and the Frank H. McClung Museum of Natural History & Culture, Knoxville, TN

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Tennessee, Department of Anthropology and the Frank H. McClung Museum of Natural History & Culture (UTK) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the human remains and associated funerary objects in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Ellen Lofaro, University of Tennessee, Office of Repatriation, 5723 Middlebrook Pike, Knoxville, TN 37996, email [nagpra@utk.edu](mailto:nagpra@utk.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UTK, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

Human remains representing, at least, 33 individuals have been identified. The 39 lots of associated funerary objects include ceramic, shell, lithic, faunal, botanical, and other mixed materials. These individuals and their belongings date to the Mississippian period and were removed from two sites in Polk County, TN: 40PK1 (Ocoee) and 40PK16.

A minimum of 32 individuals and 32 lots of associated funerary objects were removed from 40PK1, the Ocoee site.

This site was a 1938 Works Progress Administration project. These Ancestors and their belongings were identified as Mouse Creek based on site, burial, and material culture features.

A minimum of one individual and seven lots of associated funerary objects were removed from 40PK16. This site is designated as a Mississippian mound site.

UTK records indicate that preservatives, glues and lacquer have been utilized on some of the Ancestors in the laboratory for preservation and reconstruction purposes.

### Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

### Determinations

UTK has determined that:

- The human remains described in this notice represent the physical remains of 33 individuals of Native American ancestry.
- The 39 lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; The Muscogee (Creek) Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

### Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, UTK must determine the most appropriate requestor prior to

repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. UTK is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026–14723 Filed 7–21–26; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N7337; NPS–WASO–NAGPRA–NPS0043277; PPWOCRADNO–PCU00RP14.R50000]

### Notice of Inventory Completion: University of Wisconsin Oshkosh, Oshkosh, WI

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Wisconsin Oshkosh (UWO) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the human remains and associated funerary objects in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send written requests for repatriation of the human remains and associated funerary objects in this notice to Adrienne Frie, University of Wisconsin Oshkosh, 800 Algoma Blvd., Oshkosh, WI 54901, email [friea@uwosh.edu](mailto:friea@uwosh.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UWO, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

### Abstract of Information Available

Human remains representing, at least, one individual have been identified and were removed from the Walker-Hooper Site (47–GL–0065), Green Lake County, WI. The collection from this site held by the University of Wisconsin Oshkosh (UWO) comes from a 1992 field school administered by Carol Mason, then research assistant at UWO. A pedestrian survey collected items from the surface of the site. A member of the field team, Marty Koopman, later that year donated his own collection from the site to UWO, which included Ancestral remains. The ancestors and materials removed from the site are dated between the Late Archaic, Woodland, Late Woodland, Oneota, and post-contact periods. The five associated funerary objects are two lots of faunal remains, one lot of lithics, one lot of pre-contact ceramics, and one lot of post-contact ceramics. No known individuals were identified.

Human remains representing, at least, one individual, have been identified and were removed from the Leach I site (47–WN–0410), Winnebago County, WI. Collections held by UWO that were removed from the Leach I site come from two periods of collection. In 1982, Dr. Victoria Dirst, then Assistant Professor at UWO, was taken to the area by local residents and avocational archaeologists. During this time, Dirst recovered cultural items and ancestral remains from this site. The site was also visited at an unknown time(s) between 1960 and 1996 by the late avocational archaeologists Richard (Dick) and Carol Mason. The Masons donated their private collection to UWO in 2018, which included items removed from this site. The ancestor and materials removed from the site are dated from the early to late Woodland period. The six associated funerary objects are three lots of lithics, two lots of pre-contact ceramics, and one lot of faunal remains. No known individuals were identified.

Human remains representing, at least, one individual have been identified and were removed from the Leach 2 site (47–WN–0124), Winnebago County, WI. The collection held by UWO from this site comes from investigations in 1972 by J.D. Volkman, then affiliated with Wisconsin State University—Oshkosh (WSU–O), now known as UWO. His investigation was incorporated into Alaric Faulkner's, then Assistant Professor at WSU–O, survey of the Middle Fox River passageway in the early 1970s. Volkman conducted “several” shovel tests at the site, recovering primarily lithics, faunal remains, a few pieces of post-contact

pottery, as well as fragmented human remains. The ancestor and materials removed from the site are dated to Late Woodland through post-contact period. The three associated funerary objects are one lot of lithics, one lot of faunal remains, and one lot of post-contact ceramics. No known individuals were identified.

Human remains representing, at least, three individuals have been identified and were removed from the Winkenwerder Site (47-WN-0236), Winnebago County, WI. The site was first reported in a 1980 field survey but was heavily collected by avocational archaeologists Richard (Dick) and Carol Mason for an undetermined amount of time. The Masons donated their private collection to UWO in 2018 and it has since been determined that they removed both cultural materials and human remains from the site of Winkenwerder. The documentation donated by the Masons that accompanied this collection indicates that they did encounter a "burial feature" while investigating the site, in addition to collecting from the surface of a plowed field. Per past Tribal guidance, cultural items that appear to have been removed from the plowed area of the site are also included here as associated funerary objects, given the likelihood of years of plow disturbance and spreading across the site. The ancestors and materials removed from the site are dated between the Oneota and post-contact time period. The nine associated funerary objects are two lots of faunal remains, two lots of lithics, one lot of pre-contact ceramics, one bone artifact, one lot of post-contact ceramics, one lot of post-contact metal, and one lot of other post-contact material. No known individuals were identified.

Human remains representing, at least, five individuals have been identified and were removed from the Commodore Harris Site (47-WN-0874), Winnebago County, WI. In the 1950s, James E. Lundsted and Heinz Meyer, then employees of Oshkosh Public Museum, excavated a burial on "Commodore Harris's land." The excavation took place as a salvage project following the burial's exposure by wind erosion of a sandy knoll. The burial was described as "a shallow pit burial with red ochre at the bottom. The posture was tight flexion, and no grave goods." The Ancestral remains were donated to UWO in 1992 by Jack Steinbring, a professor at the University of Winnipeg who had excavated many sites in Wisconsin. In the letter that accompanied the donation no reason was given as to how Steinbring acquired

these remains. The few sentences mentioning the site in Steinbring's donation letter is the only documentation from this excavation. This donation was accepted by Jeffery Behm, then Assistant Professor at UWO. A small collection of pre-contact ceramic sherds in Steinbring's donation contained the same writing as the Ancestral remains from this site and are therefore considered to be affiliated with the Ancestors and associated funerary objects. The one associated funerary object is one lot of pre-contact ceramics. No known individuals were identified.

Human remains representing, at least, one individual have been identified and were removed from the Biebel Lot-Butte des Ports (Village), Winnebago County, WI. This collection is part of the Clarence (Charles) Schneider Collection, a private collection donated to UW-Oshkosh in 1993 by Mary Schneider. The remains and items were associated with the location description, "Biebel Lot—Butte des Morts (Village), Winnebago County, Wisconsin," by the collector. An exact location that matches this description cannot be located and so the smallest location affiliation is Winnebago County, Wisconsin. The ancestor and material removed from the site are dated to the Oneota period. The two associated funerary objects are one lot of pre-contact ceramics and one lot of faunal remains. No known individuals were identified.

Human remains representing, at least, one individual have been reasonably identified and were removed from the Cowling site (47-WN-0416), Winnebago County, WI. The ancestor and cultural items were donated to UWO in 2018 by late avocational archaeologists Richard (Dick) and Carol Mason. A portion of their collection is known to be removed from the site in 1988 while another portion has no collection date, but their record indicates they removed items from the surface of a cultivated field. The ancestor and materials removed from the site are dated to the Oneota period. The seven associated funerary objects are two lots of lithics, two lots of pre-contact ceramics, two lots of faunal material, and one lot of bone artifacts. No known individuals were identified.

Human remains representing, at least, 26 individuals have been identified. The individuals were removed from the Bier Site (47-WN-0003/BWN-0150) and the Koehler Site (47-WN-0004/BWN-0151), Winnebago County, WI. These two archaeological sites reside close together on the eastern shore of Rush Lake, and UWO has possession of

individuals and items that were removed from these sites on multiple occasions between the 1950s and 1995 and later donated to the university. The ancestors and materials removed from the site are dated to the Archaic, Woodland, Late Woodland, and Oneota time periods. There are 214 associated funerary objects from the Bier and Koehler sites. Of the 214 associated funerary objects, 196 are present and accounted for and 18 are missing. The 214 associated funerary objects are one brass bullet casing; 12 lots of charcoal; one clay pipe; two lots of unidentified faunal bone; two lots of bird bones; two lots of large mammal bones; three lots of mammal bones; one lot of faunal teeth; one lot of glass; 32 lots of decorated grit tempered body sherds; 29 lots of undecorated grit tempered body sherds; 24 lots of decorated grit tempered rim sherds; 14 lots of undecorated grit tempered rim sherds; three Kaolin pipes; 51 lots of lithics; one unidentified mineral; four natural rocks; one net-impressed clay sample; one piece of plastic; three lots of post-contact pottery; one lot of decorated sand tempered body sherds; two lots of decorated sand tempered rim sherds; one lot of decorated shell tempered body sherds; one lot of undecorated shell tempered body sherds; four lots of soil; two lots of unidentified ceramics (missing); two lots of charcoal (missing); 12 lots of lithics (missing); and one lot of unknown material (missing). No known individuals were identified.

Human remains representing, at least, two individuals have been identified. The individuals were removed as a result of the collection practices of Jack Steinbring between his excavation of the Bier and Koehler sites in the 1950s, then donated to UWO. Some of the individuals lacked specific provenience, but based on the information about Steinbring, it is likely they were removed from the Rush Lake area in Winnebago County, WI, potentially even from the Bier or Koehler sites. No associated funerary objects are present. No known individuals were identified.

### Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location of the human remains and associated funerary objects described in this notice.

### Determinations

UWO has determined that:

- The human remains described in this notice represent the physical remains of 41 individuals of Native American ancestry.

- The 247 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- There is a connection between the human remains and associated funerary objects described in this notice and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little Shell Tribe of Chippewa Indians of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Match-E-Be-Nash-She-Wish Band of Pottawatomis (previously listed as Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan); Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Oglala Sioux Tribe; Otoe-Missouria Tribe of Indians, Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Prairie Island Indian Community in the State of Minnesota; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red

Lake Band of Chippewa Indians, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Santee Sioux Nation, Nebraska; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Sokaogon Chippewa Community, Wisconsin; Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota.

#### Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, UWO must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. UWO is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026-14734 Filed 7-21-26; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N7341; NPS-WASO-NAGPRA-NPS0043281; PPWOCRADNO-PCU00RP14.R50000]

#### Notice of Inventory Completion: Kansas State Historical Society, Topeka, KS

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Kansas State Historical Society (KSHS) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the human remains and associated funerary objects in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Nicole Klarmann, Kansas State Historical Society, 6425 SW 6th Avenue, Topeka, KS 66615-1099, email [kshs.nagpra@ks.gov](mailto:kshs.nagpra@ks.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the KSHS, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

Human remains representing, at least, one individual have been identified from Yuma, CO (UBS 1992-03). The 18 associated funerary objects are silver hair plates and a leather strip. A human scalp and attached hair plates were taken by one of General George Forsyth's scouts after the Battle of Beecher Island against Cheyenne, Arapaho, and Sioux warriors in 1868. Isabel Smith purchased the remains in 1913 from the widow of Bernard Day, a former Forsyth scout, and in 1948 gave the remains to KSHS. To our knowledge, no known hazardous substances were used to treat the human remains or associated funerary objects.

## Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

## Determinations

The KSHS has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The 18 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Cheyenne and Arapaho Tribes, Oklahoma; Northern Arapaho Tribe of the Wind River Reservation, Wyoming; and the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.

## Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, the KSHS will determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The KSHS is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026–14717 Filed 7–21–26; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[N7323; NPS–WASO–NAGPRA–NPS0043266; PPWOCRADNO–PCU00RP14.R50000]**

### Notice of Intended Repatriation: University of California, Berkeley, Berkeley, CA

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Berkeley intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the cultural items in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send additional, written requests for repatriation of the cultural items in this notice to Alexandra Lucas, Government and Community Relations, Office of the Chancellor, University of California, Berkeley, 200 California Hall, Berkeley, CA 94720, email [nagpra-ucb@berkeley.edu](mailto:nagpra-ucb@berkeley.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of California, Berkeley, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

### Abstract of Information Available

A total of 69 cultural items have been requested for repatriation. The 69 cultural items are objects of cultural patrimony.

#### *Accessions 264, 265, and 266*

Between 1906 and 1907, Samuel A. Barrett acquired a collection of cultural items from several Central California counties. Of this collection, a basket and a cradle, have been requested for repatriation. Information available in

the accession file indicates the basket was collected by Samuel Barrett in Dunlap, Fresno County, and is part of a collection named in Tuhukumatc Mono dialect. Information available in the accession file indicates that the cradle, collected by Barrett, is part of a collection named in the Wupudy or Wubonitc Mono dialect. The two objects of cultural patrimony requested are one basket and one cradle.

#### *Accession 499 and 545*

Between 1915–1918, Edward W. Gifford acquired numerous cultural belongings, including a basket from Auberry and a basket from North Fork, while conducting fieldwork for the publication *The Northfork Mono* for the University of California, Berkeley. The two objects of cultural patrimony requested are baskets.

#### *Accession 625*

Between 1900–1930, Minnie C. Randolph, a teacher at the Indian School in Bishop, CA, collected numerous cultural items from various sources. Randolph's collection was sold to Horatio Shumway Lee, and subsequently accessioned by the University of California, Berkeley in 1927 following his death. Six baskets from Randolph's collection have been requested for repatriation and have the following provenance information:

- A. A. Forbes of Bishop, CA procured two baskets, one of which was acquired from Bill Murphy/[Bill Birsham?] of Round Valley, Inyo County, CA.
- Two baskets were obtained in 1907 via "Indian Sam, unknown but presumably Paiute".
- Two baskets list the following collection locations respectively, "From west side of Sierra" and "Prob. from w. of Sierra."

The six objects of cultural patrimony requested are all baskets.

#### *Accession 629*

In January of 1927, Anna Hadwick Gayton acquired one belt from Dunlap in Fresno County, California, for the Decorative Arts Department (UC Berkeley). The belt was accessioned into the Lowie Museum (Hearst Museum) following the closure of the Design Department in the 1970s. The one object of cultural patrimony requested is a bead belt.

#### *Accession 662*

Between 1931 and 1933, Ella F. Plummer collected and gifted one basket from South Central California to the University of California Museum of Anthropology (Hearst Museum). The

location and original owner are undocumented. The one object of cultural patrimony requested is a basket.

#### *Accession 768*

In 1940, Lillian Barstow donated one 'Mono type basket' collected from South Central California at an unknown date by Wallace Barstow to the University of California Museum of Anthropology (Hearst Museum). The original owner and place of acquisition are undocumented. The one object of cultural patrimony requested is a basket.

#### *Accession 838*

In 1945, Grace Blair De Pue bequeathed more than 2,000 baskets and cultural belongings to the University of California Museum of Anthropology. Correspondence in the accession file, along with itemized purchase receipts, indicates that Grace Blair De Pue acquired baskets between 1900 and 1944 from many sources, several unknown. The twenty baskets requested for repatriation include the following known sources and makers, which are identified as having been collected by De Pue between 1930 and 1939:

- One basket collected by "Willie Cheepo" from "North Fork, Madera Co."
- One basket from "Capital Life Insurance Company" from "Mono North Fork, Calif."
- Three baskets from "Fresno Drug Company"
- Three baskets from "Carson Emporium": one made by an unknown maker from "Kern Co.", one from "Old Tulare Josi Basin Fresno Co." and one from "Maker Old Memdes of Josi Basin Fresno Co. Calif."
- One basket from an unknown source notes "Tulare Sally" as the maker
- Eleven baskets have no further documentation.

Collection places identified in the accessions for the requested baskets include: "Jose Basin", "Kings River", "Dunlap" in Fresno County; "North Fork, Madera County" and unknown locations in South Central California. The 20 objects of cultural patrimony requested are baskets.

#### *Accession 1181*

Between 1900 and 1910, May C. Cook (Mrs. J. B. Cook), a resident of the Yosemite Valley, acquired baskets from several sources, including directly from Tribes and independent traders. In 1956, daughter Marjorie Cook Wilson donated the collection to the Lowie Museum of Anthropology (Hearst Museum). Among the items donated was one bowl basket recorded in Museum records as "Western Mono" (L.

Dawson 1972). Museum employee notes in the accession record indicate May Cook acquired "... the specimens over a period of years circa 1900–1910, [from] a cowboy who picked them up whenever he had an opportunity." The one object of cultural patrimony requested is a basket.

#### *Accession 1317*

In 1960, a collection of "43 American Indian and other [global] specimens", acquired at unknown times by Katherine Eloise "Kitty" Dobbins McCleave, Rose Mary Dobbins Lloyd, and Thomas Crooke McCleave, was gifted to the Lowie Museum of Anthropology (Hearst Museum). The one object of cultural patrimony requested is a doll and basket cradle set, identified as Western Mono.

#### *Accession 1493*

Preceding their donation to the Museum in 1962, Helen Marvin and John Marvin collected several baskets and other cultural items in the vicinity of the Upper San Joaquin River. The original owners, basket weavers, and the method of acquisition by Helen and John Marvin are largely unknown. However, two baskets list "Helen Murphy, Auberry" as the maker; one basket made by "Ida Hutchins, Auberry", and one basket collected in the vicinity of "Kings River, Sycamore Valley". The 25 objects of cultural patrimony requested are 19 baskets, two lifters and stirrers, one lot of boiling stones, one lot of basket material, one strap, and one band.

#### *Accession 2038*

Before 1965, Mrs. and Mr. Bynard Taylor collected and gifted to the Lowie Museum of Anthropology (Hearst Museum) a private collection, including belongings originating from Tribes in California and Alaska. The one object of cultural patrimony requested is a basket identified as Western Mono.

#### *Accession 2802*

Between 1900 and 1905, Mrs. Etta Sell and Mr. William M. Sell collected cultural items from various regions in California and Arizona. In 1971, Eleanor P. Sell Crooks donated a portion of the collection to the Lowie Museum (Hearst Museum). The five objects of cultural patrimony requested are one collar, three headbands, and one pendant, and were collected in Ahwahnee, Madera County, CA.

#### *Accession 3032*

The University of California Design Department acquired one bundle of fiber with a tag including the name "Ida

Dick", originally collected by Larry Dawson on behalf of the Robert H. Lowie Museum (Hearst Museum) in the 1960s. The bundle was accessioned again by the Lowie Museum following the closure of the Design Department in the 1970s. The one object of cultural patrimony requested is a bundle of fiber.

#### *Accession 3534*

In 1980, the University of California, Berkeley accessioned one basket made by "Topsy", a Mono weaver, in or before 1925. Topsy worked for the mother of Edith Taylor in Auberry, Fresno County, California. The one object of cultural patrimony requested is a basket.

#### *Accession 3877*

In 1948, Francis A. Riddell acquired a collection of cultural belongings including "baskets from western American Indian tribes", along with one meal brush of Western Mono attribution noted as collected from Tollhouse. The brush and collection of baskets were later donated to the Lowie Museum of Anthropology (Hearst Museum) on December 21, 1983. The one object of cultural patrimony requested is a meal brush.

Collections and collection spaces at the Phoebe A. Hearst Museum of Anthropology were treated with substances for preservation and pest control, some potentially hazardous. No records have been found to date at the Museum to indicate whether or not chemicals or natural substances were used prior to 1960.

#### **Determinations**

The University of California, Berkeley has determined that:

- The 69 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Big Sandy Rancheria of Western Mono Indians of California.

#### **Requests for Repatriation**

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or

Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, the University of California, Berkeley must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The University of California, Berkeley is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026-14729 Filed 7-21-26; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N7326; NPS-WASO-NAGPRA-  
NPS0043269; PPWOCDADN0-  
PCU00RP14.R50000]

### Notice of Inventory Completion: University of Cincinnati, Cincinnati, OH

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Cincinnati has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the human remains and associated funerary objects in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Susan E. Allen, University of Cincinnati, Department of Anthropology, PO Box 210380, Cincinnati, OH 45221-0380, email [allese@ucmail.uc.edu](mailto:allese@ucmail.uc.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Cincinnati, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

### Abstract of Information Available

Based on the information available, human remains representing, at least, six individuals have been reasonably identified. The 20 associated funerary objects are 12 lots soil, two lots stone, one unworked stone, one lot shell, one lot animal bone, one lot ceramic sherds, and two lots of unsorted ceramics, shell, stone, and animal bone. All Ancestral human remains and associated funerary objects reported here were recovered from three sites in Butler and Hamilton Counties in southwestern Ohio. These are the Late Precontact Horseshoe Johnson site (33Bu204), the Late Precontact Fleihmann #2 site (33Ha444), and the Late Precontact Rennert-Guard Mound site (33Ha80[70]). The University of Cincinnati has no records indicating that these Ancestral human remains or associated funerary objects were exposed to any hazardous substances while in its stewardship.

#### *Horseshoe Johnson (33Bu204)*

The Horseshoe Johnson site, also known as Bennett Site #1, is located in Butler County, Ohio. This site was the subject of multiple episodes of recovery led by faculty and students affiliated with the University of Cincinnati. In 1982, a former faculty member and students conducted an intensive surface collection. In 1986, three 1m<sup>2</sup> test units were excavated. In 1988, two graduate students, R. and P. Bennett, conducted an emergency salvage excavation. The most recent inventory work by the University identified the remains of, at minimum, four Ancestors from this site. The 17 associated funerary objects include 12 lots of unprocessed soil samples, one lot of animal bone, one lot of shell, one lot of stone, and two lots of unsorted ceramic sherds, shell, animal bone, and stone are associated with these Ancestors.

#### *Fleihmann #2 Site (33Ha444)*

The Fleihmann #2 site is located in southwestern Hamilton County, Ohio. Ancestral remains from a minimum of one individual and one associated funerary object, an unworked piece of

limestone, were recovered from the Fleihmann #2 site during a surface survey conducted by the Miami Purchase Association (now Cincinnati Museum Center) in 1985. No additional information is available concerning this site.

#### *Rennert-Guard Mound (33Ha80 [70])*

The Rennert-Guard Mound site is located in southwestern Hamilton County, Ohio. Although the collection history of this site is unknown, the Ohio Archaeological Inventory states that "HHE visited the site in 1942." Ancestral remains from a minimum of one individual. The two associated funerary objects, one lot of ceramic sherds and one lot of stone debris, were recovered.

### Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

### Determinations

The University of Cincinnati has determined that:

- The human remains described in this notice represent the physical remains of six individuals of Native American ancestry.
- The 20 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Miami Tribe of Oklahoma; Shawnee Tribe; and the Wyandotte Nation.

### Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
  2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.
- Repatriation of the human remains and associated funerary objects described in this notice to a requestor

may occur on or after August 21, 2026. If competing requests for repatriation are received, the University of Cincinnati must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The University of Cincinnati is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026-14732 Filed 7-21-26; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N7348; NPS-WASO-NAGPRA-  
NPS0043288; PPWOCRADN0-  
PCU00RP14.R50000]

**Notice of Intended Repatriation: the University of Tennessee, Department of Anthropology, Knoxville, TN, and the Frank H. McClung Museum of Natural History & Culture, Knoxville, TN**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Tennessee, Department of Anthropology and the Frank H. McClung Museum of Natural History & Culture (UTK), intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the cultural items in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send additional, written requests for repatriation of the cultural items in this notice to Dr. Ellen Lofaro, University of Tennessee, Office of Repatriation, 5723 Middlebrook Pike, Knoxville, TN 37996, email [nagpra@utk.edu](mailto:nagpra@utk.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative

responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the UTK, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

### Abstract of Information Available

A total of six lots of cultural items have been requested for repatriation. The six lots of unassociated funerary objects include ceramic, shell, lithic, faunal, botanical, and other material types. These items are identified with the Mississippian temporal period and were removed from 40PK1, Ocoee, in Polk County, Tennessee as part of 1938 Works Progress Administration project. It is unknown if any potentially hazardous substances were used to treat any of the cultural items.

### Determinations

UTK has determined that:

- The six lots of unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; The Muscogee (Creek) Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

### Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, UTK must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. UTK is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026-14724 Filed 7-21-26; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N7331; NPS-WASO-NAGPRA-  
NPS0043274; PPWOCRADN0-  
PCU00RP14.R50000]

**Notice of Inventory Completion: William S. Webb Museum of Anthropology, University of Kentucky, Lexington, KY**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the William S. Webb Museum of Anthropology, University of Kentucky (WSWM) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the human remains and associated funerary objects in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Celise Chilcote-Fricker, William S. Webb Museum of Anthropology, University of Kentucky, 1020 Export Street, Lexington, KY 40504, email [celise.fricker@uky.edu](mailto:celise.fricker@uky.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The

determinations in this notice are the sole responsibility of the WSWM, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

Human remains representing, at least, 652 individuals have been identified. The 559 associated funerary objects are 16 lots shell beads, one shell atlatl weight, four shells, two lots conch shell, four perforated shells, seven faunal tooth pendants, six bone atlatl pieces, three bone spatulas, four antler projectile points, two antler flakers, 41 bone awls, one bone flaker, three bone tubes, three bone drifts, 232 lots faunal, 16 modified bones, six bone projectile points, six turtle carapaces, one lot sherds, two sherds, two ceramic jars, two bannerstones, four bifaces, three axes, one celt, two hammerstones, one grinding stone, one polishing stone, two lots drills, two drills, four knives, 21 pestles, two lots cannel coal, two spear points, 24 lithic projectile points, 59 stones, 17 scrapers, one lot stone rings, 27 modified lithics, one lot botanics, five drilled human teeth, 14 dogs and two lots soil. Site 15McL11, the Ward Site (aka the Cypress Creek Site) in McLean County, Kentucky was excavated in 1938 by University of Kentucky archaeologists under contract to the Works Progress Administration. No known hazardous substances are present.

#### Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

#### Determinations

The WSWM has determined that:

- The human remains described in this notice represent the physical remains of 652 individuals of Native American ancestry.
- The 559 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern

Shawnee Tribe of Oklahoma; Shawnee Tribe; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

#### Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, the WSWM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The WSWM is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026-14738 Filed 7-21-26; 8:45 am]

**BILLING CODE 4312-52-P**

#### DEPARTMENT OF THE INTERIOR

##### National Park Service

**[N7339; NPS-WASO-NAGPRA-NPS0043279; PPWOCRADNO-PCU00RP14.R50000]**

#### Notice of Intended Repatriation: California Department of Forestry and Fire Protection, Sacramento, CA

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California Department of Forestry and Fire Protection (Cal Fire) intends to repatriate certain cultural items that

meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the cultural items in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send additional, written requests for repatriation of the cultural items in this notice to Helen Lopez, California Department of Forestry and Fire Protection, 715 P Street, Sacramento, CA 95814, email [helen.lopez@fire.ca.gov](mailto:helen.lopez@fire.ca.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the California Department of Forestry and Fire Protection, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

A total of at least 63 cultural items have been requested for repatriation. The 63 unassociated funerary objects are comprised of projectile points, bifaces, debitage, shell, beads, groundstone, and other stone tools. These cultural items were collected by the California Department of Forestry and Fire Protection during archaeological surveys and site investigations for projects during the 1980s and 1990s. The 63 cultural items originate from 11 sites located in Mendocino and Sonoma counties, California: CA-MEN-2135, CA-MEN-2203, CA-MEN-2246, CA-MEN-2270, CA-MEN-2302, CA-MEN-2303, CA-MEN-2304, CA-SON-1808, CA-SON-1809, CA-SON-1829, CA-SON-1910. Collections were treated with substances for labeling and identification and are unlikely to be potentially hazardous.

#### Determinations

The California Department of Forestry and Fire Protection has determined that:

- The 63 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The

unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California.

#### Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, the California Department of Forestry and Fire Protection must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The California Department of Forestry and Fire Protection is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026-14714 Filed 7-21-26; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N7350; NPS-WASO-NAGPRA-NPS0043290; PPWOCRADN0-PCU00RP14.R50000]

**Notice of Inventory Completion:  
Sonoma State University, Rohnert  
Park, CA**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Sonoma State University has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the human remains and associated funerary objects in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send written requests for repatriation of the human remains and associated funerary objects in this notice to Kirsten Twork, Sonoma State University, 1801 E Cotati Avenue, Rohnert Park, CA 94928, email [tworkk@sonoma.edu](mailto:tworkk@sonoma.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Sonoma State University, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

A total of one lot of associated funerary objects has been identified. Associated funerary objects were repatriated by Sonoma State University originating from CA-SON-292 in the **Federal Register** (90 FR 59185, December 18, 2025). This notice will account for an additional one lot of soil samples located at the University that were not previously acknowledged in the original notice. The soil was removed from its context during an excavation in 1962 prior to the site becoming the Department of Parks and Recreation land in 1974. The soil has been housed at the University since 1968.

A total of one lot of associated funerary objects has been identified. Human remains of at least one Ancestor and associated funerary objects were repatriated by Sonoma State University originating from CA-SON-293 in the **Federal Register** (72 FR 34275, June 21, 2007). Additional associated funerary objects were repatriated by Sonoma State University originating from CA-SON-293 in the **Federal Register** (90 FR 4787, January 16, 2025). This notice will

account for an additional one lot of soil samples located at the University that were not previously acknowledged in the original notice. The soil was removed from its context during an excavation in 1962 prior to the site becoming the Department of Parks and Recreation land in 1974. The soil has been housed at the University since 1968.

A total of one lot of associated funerary objects has been identified. Human remains of six Ancestors and associated funerary remains were repatriated by Sonoma State University originating from CA-SON-860/H in the **Federal Register** (90 FR 25631, June 17, 2025). This notice will account for an additional one lot of soil samples located at the University that were not previously acknowledged in the original notice. The soil was removed from its context in 1976 during a test excavation and has been housed at the University since its removal.

A total of one lot of associated funerary objects has been identified. The remains of at least one Ancestor and associated funerary objects were repatriated by Sonoma State University originating from CA-SON-1048 in the **Federal Register** (72 FR 30823, June 4, 2007). Additional associated funerary objects were repatriated by Sonoma State University originating from CA-SON-1048 in the **Federal Register** (90 FR 4787, January 16, 2025). This notice will account for an additional one lot of soil samples located at the University that were not previously acknowledged in the original notice. The soil was removed from its context during an excavation in 1977. The soil has been housed at the University since its removal.

A total of 3,927 lots of associated funerary objects have been identified. Human remains representing at least one individual were reburied in 1990 prior to the passing of NAGPRA. This notice identifies the associated funerary objects. The 3,927 lots of associated funerary objects are shell beads, modified stone, groundstone, historic, unmodified faunal bone, unmodified shell, unmodified stone, clay, ochre, charcoal, and organics. The individual and associated funerary objects were removed from CA-SON-1458 in Santa Rosa, in Sonoma County, California. This occurred during an archaeological investigation due to private construction impacting the site. Since 1986 the cultural material has resided at Sonoma State University.

Human remains representing at least one individual and 9,506 lots of associated funerary objects have been identified. Human remains representing

at least two individuals were reburied in 1990 prior to the passing of NAGPRA. This notice identifies the associated funerary objects and when doing a review of the cultural material human remains representing at least one individual was identified. The 9,506 lots of associated funerary objects are modified stone tools, groundstone tools, modified shell, unmodified shell, modified faunal bone, unmodified faunal bone, quartz crystals, baked clay, petrified wood, lithics, unmodified stone, debitage, soil, ash, charcoal, historic. The individual and associated funerary objects were removed from CA–SON–389 in El Verano, in Sonoma County, California. This occurred during an archaeological field school conducted by Sonoma State University, Santa Rosa Junior College, and University of California Berkeley. Since 1969 the ancestor and cultural material has resided at Sonoma State University.

A total of 92 lots of associated funerary objects have been identified. Human remains representing at least one individual were reburied in 1990. This notice identifies the associated funerary objects. The 92 lots of associated funerary objects are modified stone, debitage, unmodified faunal bone, unmodified shell, historic, modified faunal bone, and shell beads. The associated funerary objects were removed from CA–SON–405 in Penngrove, in Sonoma County, California. The removal of the cultural material occurred during three different periods. The first is a donation to Sonoma State University by the Santa Rosa Junior College in 1973. The second occurred during the 1979 Crane Creek Regional Park Survey. The last occurred during an 1983 archaeological project. The cultural material has resided at Sonoma State University since its removal.

The 50,354 lots associated funerary objects are modified stone, shell beads, clay, groundstone, organics, modified faunal bone, unmodified shell, historic, and debitage. The associated funerary objects were removed from CA–SON–882 in Santa Rosa, in Sonoma County, California. The cultural material was removed during two different time periods, first occurring during the 1976 Greywood Ranch Survey and the second occurring in 1986 during a field school between Sonoma State University and the Santa Rosa Junior College. The cultural items have been at Sonoma State University since their removal.

The 25 associated funerary objects are modified stone and unmodified stone. The associated funerary objects were removed from CA–SON–36, CA–SON–871, CA–SON–872, and isolated cultural

material collected in the project area in Santa Rosa, in Sonoma County, California. The cultural material was removed during the 1976 Greywood Ranch Survey. The cultural items have been at Sonoma State University since their removal.

The two lots associated funerary objects are modified stone. The associated funerary objects were removed from CA–SON–861 in Santa Rosa, in Sonoma County, California. The cultural material was removed during the 1976 Weeping Oak project. The cultural items have been at Sonoma State University since their removal.

The six lots associated funerary objects are modified stone. The associated funerary objects were removed from CA–SON–34 in Santa Rosa, in Sonoma County, California. The cultural material was donated to Sonoma State University in 1979 by Michael Joerger. The cultural items have been at Sonoma State University since their removal.

The 867 lots of associated funerary objects were removed from CA–SON–710 in Santa Rosa, California in Sonoma county. The items include groundstone, debitage, modified stone, baked clay, unmodified stone, and historic. The cultural material was removed in 1973 and 1976. The second portion of the material resulted from the construction of the Russian River to Cotati Interie. The cultural items have been at Sonoma State University since its removal.

The five lots of associated funerary objects were removed from CA–SON–711 in Santa Rosa, California in Sonoma county. The items include modified stone. Information as to how the material ended up at Sonoma State University was not located. The cultural items have been at Sonoma State University since 1973.

In the case of missing cultural items, all items when located will also be repatriated from the collections discussed above. Based on records concerning the ancestors and cultural items and the institution in which they are housed, there is no evidence of the items being treated with hazardous substances.

#### Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

#### Determinations

Sonoma State University has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.

- The 64,788 lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- There is a connection between the human remains and associated funerary objects described in this notice and the Federated Indians of Graton Rancheria, California.

#### Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, Sonoma State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. Sonoma State University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 15, 2026

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026–14726 Filed 7–21–26; 8:45 am]

**BILLING CODE 4312–52–P**

**DEPARTMENT OF THE INTERIOR****National Park Service**

[N7344; NPS-WASO-NAGPRA-NPS0043284; PPWOCRADN0-PCU00RP14.R50000]

**Notice of Inventory Completion:  
American Museum of Natural History,  
New York, NY**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the American Museum of Natural History has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the associated funerary objects in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send written requests for repatriation of the associated funerary objects in this notice to Nell Murphy, American Museum of Natural History, 200 Central Park West, New York, NY 10024, email [nmurphy@amnh.org](mailto:nmurphy@amnh.org).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the American Museum of Natural History, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

**Abstract of Information Available**

The 55 associated funerary objects are one paint stone, five projectile points, one flake or scraper, eight other chipped stone objects, two lots of oyster shells, one adze, two stone chips, one lot of helix shells, four lots of sherds, one stone, eight hammerstones, three scrapers, three chips, one celt, two axes, three hammers, two blades, one knife, one lot projectile points and blades, one pestle-like object, one flake, one hammerstone and net sinker, one notched object, and one lot chipped objects and broken points.

Of the 55 items, 53 were collected by archaeologist Mark Raymond Harrington from the vicinity of Croton Point, New York. Locales include Croton Point, Croton Neck, and Croton-on-Hudson

vicinity. Harrington conducted excavations in the area between August 15 and September 20, 1899, on behalf of the museum. During these excavations, Harrington intentionally targeted burial mounds and associated earthworks and uncovered at least six burials. The items from these excavations were accessioned by the Museum across three accessions in 1899 and 1900.

The remaining two items were collected by Henry Booth, who surveyed archaeological sites within New York City and surrounding areas. The items' locales are Croton and Croton Point, and they were accessioned by the Museum in 1908.

While it no longer does so, in the past, the Museum applied potentially hazardous pesticides to items in the collections. Museum records do not list specific objects treated or which of several chemicals used were applied to a particular item. Therefore, those handling this material should follow the advice of industrial hygienists or medical personnel with specialized training in occupational health or with potentially hazardous substances.

**Cultural Affiliation**

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

**Determinations**

The American Museum of Natural History has determined that:

- The 55 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Delaware Nation, Oklahoma; Delaware Tribe of Indians; and the Stockbridge Munsee Community, Wisconsin.

**Requests for Repatriation**

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or

an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, the American Museum of Natural History must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The American Museum of Natural History is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026-14720 Filed 7-21-26; 8:45 am]

**BILLING CODE 4312-52-P**

**DEPARTMENT OF THE INTERIOR****National Park Service**

[N7327; NPS-WASO-NAGPRA-NPS0043270; PPWOCRADN0-PCU00RP14.R50000]

**Notice of Intended Repatriation:  
University of New Mexico, Maxwell  
Museum of Anthropology,  
Albuquerque, NM**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of New Mexico, Maxwell Museum of Anthropology intends to repatriate certain cultural items that meet the definition of sacred objects/objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the cultural items in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send additional, written requests for repatriation of the cultural items in this notice to Ash Boydston-Schmidt, Maxwell Museum of Anthropology, MSC01-1050, 1 University of New Mexico, Albuquerque, NM 87131, email [mmanagpra@unm.edu](mailto:mmanagpra@unm.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Maxwell Museum of Anthropology, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

A total of 17 cultural items have been requested for repatriation. The 17 sacred objects/objects of cultural patrimony include hide rattles, a ceramic drum, prayer plume holders, basket hats/crowns, a ceremonial bow, a prayer stick, curing dolls, dance equipment, a headdress frame, a ceremonial hide painting, a medicine pouch, and a Yei mask.

A total of two of the hide rattles were purchased from William Beaver from the Sacred Mountain Trading post in 1966. A total of one hide rattle was donated to the museum by Maurice Maisel in 1964. The one ceramic drum was donated by Morton Sachs in 1976, who had purchased the drum in Arizona in the 1960's from the widow of a medicine person who had passed on. A total of two prayer plume holders were collected from the Lukachukai Mountains in Arizona by Charles Kelly and donated to the museum in 1936. A total of two basket hats/crowns, one ceremonial bow, one dance equipment, and one headdress frame were collected from a "cliff hole" in Rio Arriba, New Mexico by Frank Gorham, who donated to the museum in 1953. A total of one prayer stick was donated to the museum by John Cross in 1984 after being confiscated from a trader by U.S. Fish and Wildlife. A total of one curing doll was collected from Canyon del Muerto by Ann Morris sometime after 1877 and was donated to the museum by Gilbert Maxwell in 1963. A total of one curing doll was donated to the museum by Olive Gersbach in 1937. A total of one ceremonial hide painting was collected by Charles E. Faris, a former Bureau of Indian Affairs employee, who gifted it to Ethel Mae Bratton, whose estate donated to the museum in 1973. A total of one medicine pouch was purchased by C.D. Warman in 1975 from the Sotheby Parke-Bernet auction of the C.G. Wallace collection; Warman donated to the museum in 1980. A total of one Yei mask was found in the museum collection in 1975 with no additional information.

Heavy metals, including arsenic and lead, were documented in pigments of the ceremonial hide painting when the objects were tested with a pXRF in June, 2026 (Note: portable x-ray florescence, collects data on the chemical composition of items in a manner that is non-destructive). The Maxwell Museum has no record of pesticide use by any of our donors or past museum staff.

#### Determinations

The Maxwell Museum of Anthropology has determined that:

- The 17 sacred objects/objects of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- There is a connection between the cultural items described in this notice and the Navajo Nation, Arizona, New Mexico, & Utah.

#### Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, the Maxwell Museum of Anthropology must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Maxwell Museum of Anthropology is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

*Authority:* Native American Graves Protection and Repatriation Act, 25

U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026-14735 Filed 7-21-26; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[N7338; NPS-WASO-NAGPRA-NPS0043278; PPWOCRADNO-PCU00RP14.R50000]**

#### Notice of Inventory Completion: University of Michigan, Ann Arbor MI

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Michigan has completed an inventory of an associated funerary object and has determined that there is a cultural affiliation between the associated funerary object and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the associated funerary object in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send written requests for repatriation of the associated funerary object in this notice to Dr. Ben Secunda, NAGPRA Office Managing Director, University of Michigan, Office of the Vice President for Research, Suite G269, Lane Hall, Ann Arbor, MI 48109-1274, email [bsecunda@umich.edu](mailto:bsecunda@umich.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Michigan, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

A total of one associated funerary object has been identified. The one associated funerary object is one lot of unidentified thin botanical material. The botanical materials were collected in 1932 by J.E. Pearce, from the Caplen Mound site (41GV1), on the Bolivar Peninsula, in Galveston County, Texas. The botanical materials were donated to the University of Michigan

Ethnobotanical Laboratory for analysis by J.E. Pearce in 1933. Dating for the site is unknown.

The University of Michigan has no record of, nor do its officials have any knowledge of, any treatment of the associated funerary object with pesticides, preservatives, or other substances that represent a potential hazard to the collection or to persons handling the collection.

#### Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the associated funerary object described in this notice.

#### Determinations

The University of Michigan has determined that:

- The one object described in this notice is reasonably believed to have been placed intentionally with or near individual Ancestral remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary object described in this notice and the Alabama-Coushatta Tribe of Texas; Cheyenne and Arapaho Tribes, Oklahoma; Comanche Nation, Oklahoma; Coushatta Tribe of Louisiana; Kiowa Tribe (previously listed as Kiowa Indian Tribe of Oklahoma); Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; The Seminole Nation of Oklahoma; and the Tonkawa Tribe of Indians of Oklahoma.

#### Requests for Repatriation

Written requests for repatriation of the associated funerary object in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary object described in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, the University of Michigan must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary

object are considered a single request and not competing requests. The University of Michigan is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 15, 2026.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2026-14713 Filed 7-21-26; 8:45 am]

**BILLING CODE 4312-52-P**

#### DEPARTMENT OF THE INTERIOR

##### National Park Service

**[N7345; NPS-WASO-NAGPRA-NPS0043285; PPWOCRADNO-PCU00RP14.R50000]**

#### Notice of Inventory Completion: The University of Tennessee, Department of Anthropology, Knoxville, TN, and the Frank H. McClung Museum of Natural History & Culture, Knoxville, TN

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Tennessee, Department of Anthropology and the Frank H. McClung Museum of Natural History & Culture (UTK), have completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the human remains and associated funerary objects in this notice may occur on or after August 21, 2026.

**ADDRESSES:** Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Ellen Lofaro, University of Tennessee, Office of Repatriation, 5723 Middlebrook Pike, Knoxville, TN 37996, email [nagpra@utk.edu](mailto:nagpra@utk.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UTK, and additional information on the determinations in this notice, including

the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

Human remains representing, at least, five individuals have been identified along with their belongings. The 10 lots of associated funerary objects include glass, shell and other beads, buttons, crotal bells, copper objects including tinkling cones, and other historic period cultural items.

These Ancestors and their belongings were removed during a 1938 Works Progress Administration project conducted at 40PK1, Ocoee, in Polk County, Tennessee. They were removed from unit 2PK1 which was identified as a Historic Cherokee town, and the Ancestors were identified as Historic Cherokee based on associated site features and cultural material.

UTK records indicate that preservatives, glues and lacquer have been utilized on some of the Ancestors in the laboratory for preservation and reconstruction purposes.

#### Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

#### Determinations

UTK has determined that:

- The human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- The 10 lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- There is a connection between the human remains and associated funerary objects described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

#### Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization

not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after August 21, 2026. If competing requests for repatriation are received, UTK must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. UTK is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 15, 2026.  
**Melanie O'Brien,**  
*Manager, National NAGPRA Program.*  
[FR Doc. 2026–14721 Filed 7–21–26; 8:45 am]  
**BILLING CODE 4312–52–P**

**DEPARTMENT OF THE INTERIOR**  
**Office of Natural Resources Revenue**  
[Docket No. ONRR–2022–0003; DS63636400 DRT000000.CH7000 267D1113RT]

**2026 Civil Monetary Penalty Inflation Adjustments**  
**AGENCY:** Office of Natural Resources Revenue (“ONRR”), Interior.  
**ACTION:** Notice.

**SUMMARY:** Pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (collectively referred to herein as the “Inflation Adjustment Acts”), and Office of Management and Budget (“OMB”) guidance, ONRR annually adjusts its civil monetary penalty (“CMP”) amounts it assesses under the Federal Oil and Gas Royalty Management Act of 1982 (“FOGRMA”) for inflation. This notice is to inform the public that, per OMB direction, ONRR is retaining the 2025 CMP amounts for calendar year 2026.

**DATES:** This notice is applicable on July 22, 2026.  
**FOR FURTHER INFORMATION CONTACT:** For questions on procedural issues, contact Ginger Hensley, Regulatory Specialist, by telephone at (303) 231–3171 or by

email to [Ginger.Hensley@onrr.gov](mailto:Ginger.Hensley@onrr.gov). For questions on technical issues, contact Michael Marchetti, Enforcement & Financial Compliance Program Manager, by telephone at (303) 231–3125 or by email to [Michael.Marchetti@onrr.gov](mailto:Michael.Marchetti@onrr.gov).

**SUPPLEMENTARY INFORMATION:**  
**I. Background**  
FOGRMA, at 30 U.S.C. 1719(a)–(d), authorizes the Secretary of the Interior (“Secretary”) to assess CMPs for royalty reporting and other violations. Pursuant to the authority delegated to it by the Secretary, ONRR published regulations at 30 CFR part 1241 implementing the Secretary’s CMP authority. The Inflation Adjustment Acts require Federal agencies to publish annual CMP inflation adjustments in the **Federal Register** by January 15 of each year.

OMB Memorandum No. M–26–11 (April 17, 2026) cancelled penalty inflation adjustments for 2026 “based on the lack of October 2025 CPI–U data due to the lapse in appropriations.” Because of this cancellation, ONRR is unable to adjust CMP amounts without the inflation factor. Per OMB’s direction, ONRR will retain its 2025 CMP inflation adjustments as published in 90 FR 1878 (January 10, 2025) for calendar year 2026.

**II. ONRR’s Inflation-Adjusted Maximum Rates**  
This notice retains the 2025 maximum CMP dollar amounts for each of the four violation categories set forth in 30 U.S.C. 1719(a)–(d) and implemented by 30 CFR part 1241. The following table identifies the applicable ONRR regulations and the dollar amounts established in the regulations.

| 30 CFR Citation     | 2025/2026 Current maximum penalty |
|---------------------|-----------------------------------|
| 1241.52(a)(2) ..... | \$1,562                           |
| 1241.52(b) .....    | 15,628                            |
| 1241.60(b)(1) ..... | 31,252                            |
| 1241.60(b)(2) ..... | 78,134                            |

**April Lockler,**  
*Acting Director of the Office of Natural Resources Revenue.*  
[FR Doc. 2026–14799 Filed 7–21–26; 8:45 am]  
**BILLING CODE 4335–30–P**

**DEPARTMENT OF JUSTICE**  
**Antitrust Division**  
**Notice Pursuant to the National Cooperative Research and Production Act of 1993—OpenJS Foundation**

Notice is hereby given that, on June 5, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), OpenJS Foundation has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, TuxCare, Inc., St. Petersburg, FL; and Aikido Security BV, Ghent, KINGDOM OF BELGIUM, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and OpenJS Foundation intends to file additional written notifications disclosing all changes in membership.  
On August 17, 2015, OpenJS Foundation filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on September 28, 2015 (80 FR 58297).  
The last notification was filed with the Department on March 5, 2026. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 26, 2026 (91 FR 14718).

**Suzanne Morris,**  
*Deputy Director Civil Enforcement Operations, Antitrust Division.*  
[FR Doc. 2026–14817 Filed 7–21–26; 8:45 am]  
**BILLING CODE P**

**DEPARTMENT OF JUSTICE**  
**Antitrust Division**  
**Notice Pursuant to the National Cooperative Research and Production Act of 1993—Defense Industrial Based Consortium**

Notice is hereby given that, on January 15, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Defense Industrial Based Consortium (“DIBC”) has filed written notifications simultaneously with the Attorney

General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Advanced Navigation Corp., San Diego, CA; Amber Industrials Inc., Chicago, IL; American Renewable Metals LLC, Tuscaloosa, AL; Amprius Technologies, Inc., Fremont, CA; Anatar, Inc., Atlanta, GA; Ausp, Inc., New York, NY; Avalon Advanced Materials Inc., Toronto, CANADA; Bishop Aerospace LLC, Alledo, TX; Brixtel Defense, LLC, Glendive, MT; Camx Power LLC, Lexington, MA; Certified Metal Finishing, Inc., Pompano Beach, FL; Chip Scan, Inc., Rockaway Beach, NY; Connectdotssolution LLC, Goldsboro, NC; Critical Materials Group Inc., Talpa, TX; Critical Metals Corp, Winchester, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Defenseeye, Corp., Redmond, WA; Desicorp, Inc., Louisville, KY; Dmg Mori Federal Services, Inc., Hoffman Estates, IL; Elzly Technology Corp, Reston, VA; EOTECH, LLC, Plymouth, MI; Factory Unlocked, LLC, Allison Park, PA; Fastech Precision LLC, Bedford, IN; Freedome Building Systems INC, Waynesville, NC; Haile Gold Mine, Kershaw, SC; Hertha Metals, Inc., Conroe, TX; Illumination Works, LLC, Beavercreek, OH; Innovative Rocket Technologies Inc, East Islip, NY; Insightorca Corp., Saint Petersburg, FL; Integrity Defense Solutions, Inc., Newport News, VA; Intelligenesis LLC, Columbia, MD; Interlune Corporation, Seattle, WA; Interlynk INC, Menlo Park, CA; Jep Energetics LLC, Kingsport, TN; KPMG LLP, McLean, VA; LightGage, Inc., Wayland, NY; Lithion Battery Inc., Henderson, NV; Lithosphere Industries, LLC, Saint Augustine, FL; Manara Materials LLC, Oakland, CA; Maverick Material Innovations LLC, Mars, PA; Nexus Pacific LLC, Corinth, TX; Nightwing Intelligence Solutions, LLC, Indialantic, FL; Novex, LLC, Blaine, WA; Ocean's 97, INC., Baton Rouge, LA; Oerlikon Am US INC, Huntersville, NC; Orbis Sibro INC, Charleston, SC; Patriot Critical Mineral Corp., Vancouver, CANADA; Patriot Forge Corporation, Brantford, CANADA; Pyrotecnico Fireworks, Inc., New Castle, PA; Radus Software LLC, Great Falls, VA; Ramaco Carbon, LLC, Ranchester, WY; Sadoway Incorporated, Jamestown, RI; Secureframe, Inc., San Francisco, CA; Sila Nanotechnologies, Inc., Alameda, CA; Smart Material Solutions, LLC, Raleigh, NC; Staxxon, Inc., Clifton, NJ;

Stravos Holdings LLC, New Bern, NC; Supply Energetics INC, Parsons, KS; Tempo Global Resources LLC, Homewood, IL; The Toota Group, LLC, Pennington, NJ; Think Tank, Inc., Silver Spring, MD; Titan Power, LLC, Pocatello, ID; and West Cobar Metals Limited, Subiaco, COMMONWEALTH OF AUSTRALIA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DIBC intends to file additional written notifications disclosing all changes in membership.

On February 21, 2024, DIBC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 24, 2024 (89 FR 52508).

The last notification was filed with the Department on October 14, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 23, 2026 (91 FR 8523).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026-14806 Filed 7-21-26; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Naval Surface Technology & Innovation Consortium

Notice is hereby given that, on January 08, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Naval Surface Technology & Innovation Consortium ("NSTIC") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Adaptive Dynamics, Inc., San Diego, CA; Advanced Products Engineering Experts LLC, Macomb, MI; Arctec Solutions LLC, Sterling, VA; Ares Industries, INC, El Segundo, CA; Bae Systems Information and Electronic Systems Integration Inc., Cedar Rapids, IA; Bart & Associates, LLC, McLean, VA; Basic Commerce & Industries INC, King George, VA; Caelum Research

Corporation, Rockville, MD; Captis Aire LLC, East Point, GA; Chip Scan, Inc., Rockaway Beach, NY; Covan Group LLC, Fredericksburg, VA; Exo-Atmospheric Technologies LLC, Waukesha, WI; Extreme Sonar LLC, Fort Pierce, FL; Falkonry Inc., Cupertino, CA; Fastlion Energy Inc., State College, PA; Forge Federal LLC, Monroe, NC; Gartner, Inc., Stamford, CT; General Dynamics Mission Systems, Inc., Scottsdale, AZ; Google LLC, Mountain View, CA; Govsignals Inc., New York, NY; Hayward Tyler, INC, Colchester, VT; Imagine Believe Realize LLC, Rockledge, FL; Infusionpoints LLC, North Wilkesboro, NC; Intrinsic Enterprises INC, Bellevue, WA; Kratos Defense & Rocket Support Services, INC, Huntsville, AL; Kratos Defense & Rocket Support Services, Inc., San Diego, CA; Lockheed Martin Corporation, Grand Prairie, TX; Lockheed Martin Corporation, King of Prussia, PA; Lockheed Martin Corporation, Moorestown, NJ; Matlok, LLC, Huntsville, AL; Mission Autonomy AI LLC, Naugatuck, CT; Nightwing Intelligence Solutions, LLC, Indialantic, FL; Oct Consulting LLC, McLean, VA; Optx Imaging Systems LLC, Lorton, VA; Organization of Strategic Sciences, LLC, Draper, UT; PatchPlus Consulting, Inc., Medford, NJ; Perceptronics Solutions, INC, Fairfax, VA; Pilot Systems International LLC, Farmington Hills, MI; Polaris Sales INC, Hamel, MN; Quoherent, Inc., Huntsville, AL; Qynergy Corporation, Albuquerque, NM; R-Dex Systems, Inc., Woodstock, GA; Red Cedar Usa, LLC, Arlington, VA; Revtek Solutions LLC, Leesburg, VA; S10 Fitness LLC, San Diego, CA; Seaward Services, Inc., New Albany, IN; Semanticagent LLC, Mission Viejo, CA; Strategic Insight, Ltd., Arlington, VA; Syqwest LLC, Cranston, RI; Texas A&M University System, College Station, TX; The Hard Yards LLC, Arlington, VA; Thomson Reuters Special Services LLC, McLean, VA; Tiarni Networks, Inc., Elk Grove, CA; TMC Technologies of West Virginia Corp, Fairmont, WV; Trace3 Government, LLC, Colorado Springs, CO; Valkyrie Machining LLC, Albuquerque, NM; Vucason INC, El Segundo, CA; and Widelity INC, Fairfax, VA have been added as parties to this venture.

Also, Alirrium LLC, Reston, VA; Alloy Surfaces CO INC, Aston, PA; Cardinal Engineering, LLC, Pawcatuck, CT; Expanse, LLC, Santa Clara, CA; Fiore Industries INC, Albuquerque, NM; Numerica Corporation, Fort Collins, CO; Pathfinder Wireless Corp, Seattle, WA; and Ravyn Technology Corporation,

Olean, NY, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NSTIC intends to file additional written notifications disclosing all changes in membership.

On October 8, 2019, NSTIC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 12, 2019 (84 FR 61071).

The last notification was filed with the Department on October 03, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 23, 2026 (91 FR 8530).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026–14786 Filed 7–21–26; 8:45 am]

**BILLING CODE 4410–11–P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Electrified Vehicle and Energy Storage Evaluation—II

Notice is hereby given that, on March 27, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Electrified Vehicle and Energy Storage Evaluation—II (“EVESE II”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Honda Development & Manufacturing of America, LLC, Marysville, OH, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and EVESE II intends to file additional written notifications disclosing all changes in membership.

On April 3, 2025, EVESE II filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal**

**Register** pursuant to section 6(b) of the Act on June 13, 2025 (90 FR 25081).

The last notification was filed with the Department on July 16, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 15, 2025 (90 FR 39422).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026–14808 Filed 7–21–26; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—MLCommons Association

Notice is hereby given that, on April 15, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (the “Act”), MLCommons Association (“MLCommons”) filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, IBM, Durham, NC; Broadcom, Palo Alto, CA; Orrick Industries, Austin, TX; Pure Storage, Santa Clara, CA; Ekconceptas, Siauliai, REPUBLIC OF LITHUANIA; Griting, Los Altos, CA; Xiaomei Mi (individual member), Manchester, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Hillary Owusu (individual member), College Park, MD; Stefano Patalano (individual member), Rome, ITALIAN REPUBLIC; Yide Ran (individual member), Jersey City, NJ; Athul Suryanarayana (individual member), Sunnyvale, CA; Anna Su (individual member), New Haven, CT; Sivanesan Selvaraj (individual member), Chennai, REPUBLIC OF INDIA; Jinzhen Wang (individual member), Charlotte, NC; Nobin Sarwar (individual member), Baltimore, MD; Lukasz Szpruch (individual member), Edinburgh, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Jayapriya Surendran (individual member), Los Angeles, CA; Sneha Bankar (individual member), Lynwood, WA; Otavio Rodrigues Bambans (individual member), Sao Paulo, FEDERATIVE REPUBLIC OF BRAZIL; Joe Raffa (individual member), El Dorado Hills, CA; Mariya Hendriksen

(individual member), Oxford, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Hakjun Kim (individual member), Vijeongbu-si, REPUBLIC OF KOREA; and Bohdan Demidont (individual member), Sunny Isles Beach, FL have been added as parties to this venture.

Also, Red Hat, Inc., Raleigh, NC; Baidu USA LLC, Sunnyvale, CA; Deci.ai, Ramat Gan, STATE OF ISRAEL; Coactive Systems Inc., San Jose, CA; Operartis LLC, Astoria, NY; and SAS Multi Meta Multiverse, Vallauris, FRENCH REPUBLIC have withdrawn as parties to this venture.

In addition, DataCrunch, has changed its name to Verda, Helsinki, REPUBLIC OF FINLAND.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open and MLCommons intends to file additional written notifications disclosing all changes in membership.

On September 15, 2020, MLCommons filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on September 29, 2020 (85 FR 61032).

The last notification was filed with the Department on January 29, 2026. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 26, 2026 (91 FR 14716).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026–14775 Filed 7–21–26; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Dynamic Spectrum Alliance, Inc.

Notice is hereby given that, on February 11, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Dynamic Spectrum Alliance, Inc. (“Dynamic Spectrum Alliance, Inc. ”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of

antitrust plaintiffs to actual damages under specified circumstances. Specifically, Intel, Santa Clara, CA; Kaust University, Thuwal, KINGDOM OF SAUDI ARABIA; and University Sokoto, Sokoto, FEDERAL REPUBLIC OF NIGERIA, have been added as parties to this venture.

Also, Microsoft Corporation, Redmond, WA, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Dynamic Spectrum Alliance, Inc. intends to file additional written notifications disclosing all changes in membership.

On September 1, 2020, Dynamic Spectrum Alliance, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on September 18, 2020 (85 FR 58390).

The last notification was filed with the Department on July 29, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 18, 2025 (90 FR 40082).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026-14800 Filed 7-21-26; 8:45 am]

BILLING CODE P

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—UHD Alliance, Inc.

Notice is hereby given that, on June 5, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), UHD Alliance, Inc. (“UHD Alliance”) filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Hisense Visual Technology Co., Ltd., Shandong, PEOPLE’S REPUBLIC OF CHINA; NVIDIA Corp., Santa Clara, CA; and Shenzhen Skyworth Display Technologies Co., Ltd., Shenzhen, PEOPLE’S REPUBLIC OF CHINA have been added as parties to this venture.

Also, TCL Moka International Limited has changed its name to MOKA GLOBAL LIMITED, Shatin NT, HONG KONG, PEOPLE’S REPUBLIC OF CHINA.

No other changes have been made in either the membership or the planned activity of the group research project. Membership in this group research project remains open, and UHD Alliance intends to file additional written notifications disclosing all changes in membership.

On June 17, 2015, UHD Alliance filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 17, 2015 (80 FR 42537).

The last notification was filed with the Department on March 23, 2026. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on June 22, 2026 (91 FR 37147).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026-14814 Filed 7-21-26; 8:45 am]

BILLING CODE 4410-11-P

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Armaments Consortium

Notice is hereby given that, on February 17, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), National Armaments Consortium (“NAC”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Advent Technologies LLC, Livermore, CA; AECOM Services, Inc., Los Angeles, CA; Aibell Technologies LLC, Falkville, AL; American Lithium Energy Corp, Carlsbad, CA; Apex Energetics, Inc. d/b/a Bravo Ordnance, Austin, TX; Armag Corporation, Bardstown, KY; Armour Initiatives LLC, Springfield, VA; Auriga Space, Inc., Garden Grove, CA; Bliss Munitions Equipment, Kentwood, MI; By Light Professional IT Services LLC, McLean, VA; Captis Aire LLC, East Point, GA;

CENTURY MOLD CO., INC., Rochester, NY; Colvin Run Networks, INC, Tysons, VA; Connectec Company, Irvine, CA; Critical Materials Group, Inc, Talpa, TX; Expanxia LLC, Jacksonville, FL; Explosives Consulting and Engineering LLC, Shelburne, VT; FastLion Energy Inc, State College, PA; FTX LIMITED LIABILITY COMPANY, Aberdeen, MD; Gichner Systems Group, Inc., Dallastown, PA; Global Military Products, Tampa, FL; Hermes Robotics Inc., San Francisco, CA; Mobilio Co, San Francisco, CA; ModalAI, Inc, San Diego, CA; Navitas Advanced Solutions Group LLC, Ann Arbor, MI; VTS Night Vision Technology Solutions Inc, North Kingstown, RI; Ohio Ordnance Works, Inc., Chardon, OH; Packet Digital, LLC, Fargo, ND; Primary Aimline LLC, Navarre, FL; Prisam LLC, Rochester, NY; Quantitative BioSciences, Inc., San Diego, CA; Red Cedar USA, LLC, Arlington, VA; SelectTech Services Corporation, Centerville, OH; SHINE Technologies, LLC, Janesville, WI; Solvus Global, Worcester, MA; Supply Energetics, Inc, Parsons, KS; Tactical Electronics and Military Supply L.L.C., Broken Arrow, OK; Teledyne Energy Systems, Inc., Hunt Valley, MD; Telesis Research LLC, Stafford, VA; The vonLoewenfeldt Group, LLC, Myrtle Beach, SC; Tiami Networks Inc, Sacramento, CA; Tiberius Aerospace, Inc., Newport Beach, CA; and Vucason Inc., El Segundo, CA, have been added as parties to this venture.

Also, Ravyn Technology Corporation, El Segundo, CA; L3 Technologies, Inc., Rockwall, TX; and Captis Aire LLC, East Point, GA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NAC intends to file additional written notifications disclosing all changes in membership.

On May 2, 2000, NAC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 30, 2000 (65 FR 40693).

The last notification was filed with the Department on November 11, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 23, 2026 (91 FR 8524).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026-14805 Filed 7-21-26; 8:45 am]

BILLING CODE P

**DEPARTMENT OF JUSTICE****Antitrust Division****Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Open Group, L.L.C.**

Notice is hereby given that, on May 21, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), The Open Group, L.L.C. (“TOG”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, 4xBolt, Westerville, OH; AA T&S Services Ltd, London, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Adept Solutions (Pvt) Ltd, Harare, REPUBLIC OF ZIMBABWE; Africa-One Consulting and Research (Pty) Ltd, Pretoria, REPUBLIC OF SOUTH AFRICA; Allseas Engineering B.V., Delft, KINGDOM OF THE NETHERLANDS; Analog Devices, Inc., Chelmsford, MA; Asesorias y Desarrollos Corporativos S.A., San José, REPUBLIC OF COSTA RICA; Astronics Corporation, East Aurora, NY; Beckhoff Automation, LLC, Savage, MN; BlackCat Research, S.C., Mexico City, UNITED MEXICAN STATES; Brace Innovations (Pty) Ltd, Midrand, REPUBLIC OF SOUTH AFRICA; CAE USA, Inc., Arlington, TX; Caritas Information Services, LLC, Holly, MI; CAVU Aerospace, Inc., Stuttgart, AR; Center for Energy Studies, Rice University’s Baker Institute for Public Policy, Houston, TX; Cuhullin Tech LLC, Nashville, TN; Curtis & Associates Limited, Douglas, ISLE OF MAN; Data Migration and Services LLC, Muscat, SULTANATE OF OMAN; Devitancy LLC, Sharjah, UNITED ARAB EMIRATES; Digital Energy Solutions Ltd, Woking, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Digital Solutions For Business SAS, Bogotá, REPUBLIC OF COLOMBIA; EAMplify GmbH, Vaihingen an der Enz, FEDERAL REPUBLIC OF GERMANY; ECV Technology Company Limited, Ho Chi Minh, SOCIALIST REPUBLIC OF VIETNAM; EDU Trainings s.r.o., Karlin, CZECH REPUBLIC; EFTECH Energy Solutions Sdn Bhd, Kuala Lumpur, MALAYSIA; Flywheel Data, LLC, Reston, VA; Frame Data AI, Inc., Houston, TX; Freeport-McMoRan Inc., Phoenix, AZ; GC6 Accelerators Cyber Security Services L.L.C., Dubai, UNITED

ARAB EMIRATES; GeoMark Research, Ltd., Houston, TX; Grant MacEwan University, Edmonton, CANADA; H&H Academy Canada, Vancouver, CANADA; Hytsioaboa Software Limited, Bristol, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; IA LABS SAS, Bogotá, REPUBLIC OF COLOMBIA; Iarnród Éireann-Irish Rail, Dublin, IRELAND; Idol Consulting Firm (Pty) Ltd, Johannesburg, REPUBLIC OF SOUTH AFRICA; IKM Information and Knowledge Management S.A.S, Bogotá, REPUBLIC OF COLOMBIA; ILX Group Plc, Bracknell, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Institute of Management Technology Hyderabad, Hyderabad, REPUBLIC OF INDIA; Intelance Digital Enablement Services Ltd, Staines, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Intellie, Inc., Houston, TX; Kiewit Nuclear Solutions, Lenexa, KS; Lark Aeronautics, Inc., Los Angeles, CA; Massive Light, Spring, TX; Mastery Matrix, Pretoria, REPUBLIC OF SOUTH AFRICA; Micropol Fiberoptic, Inc, Beachwood, OH; MITS Institute (Pty) Ltd, Johannesburg, REPUBLIC OF SOUTH AFRICA; Nated Systems (Pty) Ltd, Durban, REPUBLIC OF SOUTH AFRICA; New Taipei City Government, Information Management Center, New Taipei City, REPUBLIC OF CHINA (TAIWAN); Nomazangwa Consulting, Hartbeespoort, REPUBLIC OF SOUTH AFRICA; Norwegian Offshore Directorate, Stavanger, KINGDOM OF NORWAY; NTT DATA Spain, S.L.U., Madrid, KINGDOM OF SPAIN; Nucor Corporation, Charlotte, NC; Oil and Natural Gas Corporation, New Delhi, REPUBLIC OF INDIA; OSC Technical Solutions, LLC, Richland, WA; Palo Alto Networks Public Sector, LLC, Reston, VA; Police Digital Service, London, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Polyrhythm Software, LLC, Troy, OH; Psionic, Hampton, VA; QPC Fiber Optic, LLC, Laguna Niguel, CA; QUEST Global Services Pte. Ltd., Singapore, REPUBLIC OF SINGAPORE; Rajant Corporation, Malvern, PA; Rapita Systems Ltd, York, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Redeban S.A., Bogotá, REPUBLIC OF COLOMBIA; Reflektis, Usquert, KINGDOM OF THE NETHERLANDS; Rio Tinto, London, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Sharecat Solutions AS, Bergen, KINGDOM OF NORWAY; Signal Woods Limited, Warrington, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Simha Technologies (Pty) Ltd, Tshwane,

REPUBLIC OF SOUTH AFRICA; Societe Morpho Unity, Djerba Midun, REPUBLIC OF TUNISIA; Stone Ridge Technology, Inc, Bel Air, MD; Tekdense Systems & Solutions Inc., Miami, FL; The Consulting Lab Inc., Chapel Hill, NC; The University of Texas at Austin, Austin, TX; ThoughtsWin Systems, Inc., Surrey, CANADA; TP Power Plus Limited, Raipur, REPUBLIC OF INDIA; Tsecond, Inc., San Jose, CA; Tuwaiq Academy, Riyadh, KINGDOM OF SAUDI ARABIA; University System of New Hampshire, Durham, NH; and Vistra Operations Corp, Irving, TX, have been added as parties to this venture.

Also, 700Apps, Riyadh, KINGDOM OF SAUDI ARABIA; Anywhere s.r.o., Prague, CZECH REPUBLIC; Arc Compute US LLC, Wilmington, DE; Avilution, L.L.C., Madison, AL; Banco de los Trabajadores, Guatemala, REPUBLIC OF GUATEMALA; Barkman Enterprises, Inc., Fayetteville, GA; Bhavyam Infotech Pte Ltd, Ubi Crescent City, REPUBLIC OF SINGAPORE; Booz Allen Hamilton, Linthicum, MD; Brandywine Photonics, LLC, West Chester, PA; Business Connexion, Gauteng, REPUBLIC OF SOUTH AFRICA; Cinergix Pty. Ltd., Mentone, COMMONWEALTH OF AUSTRALIA; Cognitive GeoInterpretation, Inc., Tallahassee, FL; Cognizant Technology Solutions US Corporation, Broadway, NJ; Core Avionics & Industria Inc., Tampa, FL; Corva AI, LLC, Houston, TX; Cubic Corporation, San Diego, CA; Cyber Pack Ventures, Inc., Columbia, MD; D3Clarity, Inc., Austin, TX; Debswana Diamond Company (Party) Ltd, Gaborone, REPUBLIC OF BOTSWANA; Dianomic Systems, Inc., San Leandro, CA; DornerWorks, Ltd., Grand Rapids, MO; E.I. duPont de Nemours and Company, Wilmington, DE; Eleven Six Ltd, Abu Dhabi, UNITED ARAB EMIRATES; ERM Group, Inc., Houston, TX; EXB Solutions, Inc., Minneapolis, MN; Expeditionary Engineering, Inc., San Diego, CA; Faculty Training Institute, Cape Town, REPUBLIC OF SOUTH AFRICA; FiberQA LLC, Old Lyme, CT; Getech Group plc, Leeds, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; GIRD Systems, Inc., Cincinnati, OH; Glex AS, Bergen, KINGDOM OF NORWAY; Goal Oriented Business, Cergy, FRENCH REPUBLIC; IFP Energies Nouvelles, Rueil-Malmaison, FRENCH REPUBLIC; Instituto de Informatica da Universidade Federal do Rio Grande do Sul (UFRGS), Porto Alegre, FEDERATIVE REPUBLIC OF BRAZIL; Insulated Wire Inc., Bayport, NY; Interactive Network Technologies, Inc., Houston, TX; IT

Management Group, The Hague, KINGDOM OF THE NETHERLANDS; IT Professionals SRL—ITAcademy, Bucuresti, ROMANIA; Johns Hopkins University Applied Physics Laboratory, Laurel, MD; Justin Group Oy, Espoo, REPUBLIC OF FINLAND; Kalpra Tech Solutions LLC, Houston, TX; KAVCA AS, Oslo, KINGDOM OF NORWAY; Koch Capabilities, LLC, Wichita, KS; Kovrr, Inc., Wilmington, DE; MapLarge Inc., Atlanta, GA; Merck & Co., Inc., Branchburg, NJ; Mitsubishi Chemical Corporation, Chiyoda-ku, JAPAN; Mundo Cognito Ltd., Penn, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Net Zero Matrix Ltd., Douglas, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Next-Shot LLC, Sugar Land, TX; NOV, Houston, TX; Novus Labs, Hillsboro, OR; OptiPrise, Apeldoorn, KINGDOM OF THE NETHERLANDS; ourGlobe LLC, Thun, SWISS CONFEDERATION; Palantir USG, Inc., Palo Alto, CA; Polskie Gornictwo Naftowe i Gazownictwo SA, Warszawa, REPUBLIC OF POLAND; PTT Exploration and Production, Bangkok, KINGDOM OF THAILAND; Rapita Systems, Inc., Novi, MI; Reasonable Security Institute, Roseville, COMMONWEALTH OF AUSTRALIA; Rolls-Royce plc, London, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; SABIC ATC Manufacturing, Riyadh, KINGDOM OF SAUDI ARABIA; Sarder, Inc. d.b.a. NetCom Learning, New York, NY; Saudi Aramco, Houston, TX; Shanghai Information Training Center, Shanghai, PEOPLE'S REPUBLIC OF CHINA; SNA Technologies Inc., Livonia, MO; Snowflake Inc., Bozeman, MT; Sotatek Intelligence Connection Group JSC, Hanoi, SOCIALIST REPUBLIC OF VIETNAM; Spectra A&D Acquisition, Inc., Alpharetta, GA; Stepwise AS, Oslo, KINGDOM OF NORWAY; StreamDSP, LLC, Columbus, OH; Sword Venture, Staines-Upon-Thames, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Talus Technologies Inc., Calgary, CANADA; The University of Melbourne, School of Computing and Information Systems, Parkville, COMMONWEALTH OF AUSTRALIA; TOGETHER Business & Consulting S.r.l., Pilar, ARGENTINE REPUBLIC; TRM Technologies Inc., Ottawa, CANADA; University of Pittsburgh, Pittsburgh, PA; VMWare Inc., Palo Alto, CA; Web Age Solutions Inc., Toronto, CANADA; Web Age Solutions Inc., Toronto, CANADA; WekaIO, Inc., Campbell, CA; Whitson AS, Trondheim, KINGDOM OF NORWAY; and ZDEN Technologies

LLC, Edmond, OK, have withdrawn as parties to this venture.

Additionally, Atkins Limited has changed its name to AtkinsRéalis Group Inc., Epsom, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Software GmbH to SAG Aris GmbH, Darmstadt, FEDERAL REPUBLIC OF GERMANY; and Aramco Services Company to Aramco Americas Company, Houston, TX.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and TOG intends to file additional written notifications disclosing all changes in membership.

On April 21, 1997, TOG filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 13, 1997 (62 FR 32371).

The last notification was filed with the Department on November 13, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on May 8, 2026 (91 FR 25373).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026–14809 Filed 7–21–26; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—R Consortium, Inc.

Notice is hereby given that, on April 24, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), R Consortium, Inc. (“R Consortium”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Sanofi, Hauts-de-France, FRENCH REPUBLIC; Sanofi, Bridgewater, NJ; and 0965688 BC LTD, British Columbia, CANADA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and R Consortium intends to file additional written

notifications disclosing all changes in membership.

On September 15, 2015, R Consortium filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on October 2, 2015 (80 FR 59815).

The last notification was filed with the Department on January 28, 2026. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 26, 2026 (91 FR 14721).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026–14784 Filed 7–21–26; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Countering Weapons of Mass Destruction

Notice is hereby given that, on January 7, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Countering Weapons of Mass Destruction (“CWMD”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, C3 Applied Tech, LLC, Englewood, FL; C3.ai, Inc., Redwood City, CA; Great Lakes Sound & Vibration INC, Houghton, MI; Infusionpoints LLC, North Wilkesboro, NC; Inimmune Corp, Missoula, MT; and Swan Technology Corporation, Pittsburgh, PA, have been added as parties to this venture.

Also, Dipole Materials INC, Baltimore, MD; Flambeau Diagnostics LLC, Madison, WI; Foothold Labs INC, Olathe, KS; Innovative Management Concepts, INC, Blairsville, GA; Marcon Engineering, INC, Escondido, CA; Peerless Technologies Corporation, Fairborn, OH; Polaris Sensor Technologies INC, Huntsville, AL; Scitec INC, Princeton, NJ; and University of Florida, Gainesville, FL, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project.

Membership in this group research project remains open, and CWMD intends to file additional written notifications disclosing all changes in membership.

On January 31, 2018, CWMD filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 12, 2018 (83 FR 10750).

The last notification was filed with the Department on October 1, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 23, 2026 (91 FR 8528).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026–14792 Filed 7–21–26; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Mercury Consortium, Inc.

Notice is hereby given that, on April 7, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Mercury Consortium, Inc. (“Mercury Consortium”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ElaadNL, Gelderland, KINGDOM OF THE NETHERLANDS; Argonne National Laboratories, Lemont, IL; Origin Energy Services Ltd. Sydney, COMMONWEALTH OF AUSTRALIA; Flip Energy, San Francisco, CA; EnergyHub, Inc., Brooklyn, NY; BEAMA Ltd., London, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; and Texture, New York, NY have been added as parties to this venture.

Also, Utilidata, Providence, RI; Emulate Energy, Brookline, MA; and Codiby SA, Malopolskie, REPUBLIC OF POLAND have withdrawn as parties to this venture.

In addition, Mixergy, Cassington, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, was incorrectly reported as the name of a new member on the July 29, 2025. Notice published in the **Federal**

**Register** on August 18, 2025. The correct name of the member is Mixergy, Ltd., Cassington, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open and Mercury Consortium intends to file additional written notifications disclosing all changes in membership.

On July 29, 2025, Mercury Consortium filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on August 18, 2025 (90 FR 40084).

The last notification was filed with the Department on February 27, 2026. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 26, 2026 (91 FR 14717).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026–14782 Filed 7–21–26; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Pistoia Alliance, Inc.

Notice is hereby given that, on April 15, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (the “Act”), Pistoia Alliance, Inc. filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Altio Advisory, Chesterfield, NJ; Enpicom, Hertogenbosch, KINGDOM OF THE NETHERLANDS; Cognizant, London, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Clarivate Analytics, Philadelphia, PA; BenchSci, Toronto, CANADA; and Niki Karamanis (individual member), Lexington, MA have been added as parties to this venture.

Also, Grunenthal, Aachen, FEDERAL REPUBLIC OF GERMANY has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Pistoia Alliance, Inc. intends to file additional written notifications disclosing all changes in membership.

On May 28, 2009, Pistoia Alliance, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 15, 2009 (74 FR 34364).

The last notification was filed with the Department on January 20, 2026. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 26, 2026 (91 FR 14720).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026–14778 Filed 7–21–26; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—1EdTech Consortium, Inc. (F/K/A IMS Global Learning Consortium, Inc.)

Notice is hereby given that, on April 15, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), 1EdTech Consortium, Inc. (f/k/a IMS Global Learning Consortium, Inc.) (“1EdTech Consortium”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Kivuto Solutions, Montréal, CANADA; Eummena, Leuven, KINGDOM OF BELGIUM; Little Rock School District, Little Rock, AR; Grupo Insight, Ciudad de México, UNITED MEXICAN STATES; LearnEd Labs, Austin, TX; intoCareers, Eugene, OR; and Praxis AI, LLC, Pleasanton, CA, have been added as parties to this venture.

Also, South Central Regional Informational Center (RIC), Binghamton, NY; Mastery Transcript Consortium, Winchester, MA; Inspirit Learning Inc, Atlanta, GA; Framingham State

University, Framingham, MA; Aurora Public Schools (CO), Aurora, CO; City & Guilds, London, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Open University of Japan, Chiba Mihama Ward, JAPAN; Massachusetts Institute of Technology, Cambridge, MA; and National Student Clearinghouse, Herndon, VA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and 1EdTech Consortium intends to file additional written notifications disclosing all changes in membership.

On April 7, 2000, 1EdTech Consortium filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on January 21, 2026. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on June 22, 2026 (91 FR 37148).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026–14819 Filed 7–21–26; 8:45 am]

**BILLING CODE 4410–11–P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Telemanagement Forum (TM Forum)

Notice is hereby given that, on June 18, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), TM Forum, a New Jersey Non-Profit Corporation (“the Forum”) filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Statista Strategy GmbH & Co. KG, Hamburg, FEDERAL REPUBLIC OF GERMANY; Telenet Group, Mechelen, KINGDOM OF BELGIUM; Ipko Telecommunications LLC, Pristina, REPUBLIC OF KOSOVO; G2 CONSULTORIA LTDA, São Paulo, FEDERATIVE REPUBLIC OF BRAZIL;

IQUADRAT INFORMATICA SL, Barcelona, KINGDOM OF SPAIN; ARINT, Muscat, WY; MIND CTI, Yokneam, STATE OF ISRAEL; Verso Altima India Private Limited, Mumbai, REPUBLIC OF INDIA; Beegol, São Paulo, FEDERATIVE REPUBLIC OF BRAZIL; Censony Ltd., York, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Tech Solutio, São Paulo, FEDERATIVE REPUBLIC OF BRAZIL; Poznan University of Technology, Politechnika Poznanska, Poznan, REPUBLIC OF POLAND; Horacio Goldenberg, Madrid, KINGDOM OF SPAIN; Cequence Security, Santa Clara, CA; Boost SubscriberCo L.L.C., Englewood, CO; GreySkies Inc., Seattle, WA; NetoAI, Chennai, REPUBLIC OF INDIA; Realworld Systems, Culemborg, KINGDOM OF THE NETHERLANDS; MCE Systems, Tel Aviv, STATE OF ISRAEL; and Unitel Angola, Luanda South, REPUBLIC OF ANGOLA have been added as parties to this venture.

Also, Beijing Baidu Netcom Science Technology Co., Ltd., Beijing, PEOPLE’S REPUBLIC OF CHINA; Case On IT SL (MedUX), Madrid, KINGDOM OF SPAIN; CelcomDigi Berhad, Petaling Jaya, MALAYSIA; GTS TechLabs, Singapore, REPUBLIC OF SINGAPORE; Inceptionals, Hamilton, NEW ZEALAND; Institute for Problems in Mechanics of the Russian Academy of Sciences, Moscow, RUSSIAN FEDERATION; International IT House, Dubai, UNITED ARAB EMIRATES; Intracom Telecom, Peania, HELLENIC REPUBLIC; Iterato, Vilnius, REPUBLIC OF LITHUANIA; labb ltd, Cambridge, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; M1 Limited, Singapore, REPUBLIC OF SINGAPORE; NATO Communications and Information Agency, CD, KINGDOM OF THE NETHERLANDS; Nespon, Grapevine, TX; Sogetel Inc, Nicolet, CANADA; StarHub Ltd, Singapore, REPUBLIC OF SINGAPORE; Sudo Technology Co. LTD, Beijing, PEOPLE’S REPUBLIC OF CHINA; Tekpaths, Riyadh, KINGDOM OF SAUDI ARABIA; Telefonica Chile S.A. (brand name Movistar Chile), Santiago, REPUBLIC OF CHILE; Telefonica Moviles Colombia S.A., Bogota, REPUBLIC OF COLOMBIA; Telenity İletişim Sistemleri San. ve Tic. A.Ş., Yesilköy Şb. Mah. C Blok Sk. C Blok No:1, REPUBLIC OF TURKEY; The OpenNMS Group, Inc., Apex, NC; VCT International, Somerset, NJ; WindUp Software, Tashkent, REPUBLIC OF UZBEKISTAN; NEOS NETWORKS, Reading, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; and Yemen Mobile, Sana’a, REPUBLIC OF YEMEN

have withdrawn as parties to this venture.

In addition, the following members have changed their names: Entel Perú S.A. to Entel Peru S.A., Lima, REPUBLIC OF PERU; Numo Data to NumoData, Richardson, TX; and FNT GmbH to FNT Software GmbH, Ellwangen, FEDERAL REPUBLIC OF GERMANY.

No other changes have been made to either the membership or planned activity of the group research project. Membership in this group research project remains open, and the Forum intends to file additional written notifications disclosing all changes in membership.

On October 21, 1988, the Forum filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 8, 1988 (53 FR 49615).

The last notification was filed with the Department on February 18, 2026. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 26, 2026 (91 FR 14717).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026–14815 Filed 7–21–26; 8:45 am]

**BILLING CODE 4410–11–P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Undersea Technology Innovation Consortium

Notice is hereby given that, on January 8, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Undersea Technology Innovation Consortium (“UTIC”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, University Of Delaware, Newark, DE; Hart Technologies, Inc., Manassas, VA; Govsignals, Inc., New York, NY; Frontgrade Colorado Springs LLC, Colorado Springs, CO; Beast Code LLC, Fort Walton Beach, FL; Runsafe Security, Inc., McLean, VA; AeroVironment, Inc., Simi Valley, CA;

Thales Defense & Security, Inc., Clarksburg, MD; Anchor 3D, Inc., Providence, RI; The Entwistle Company LLC, Hudson, MA; Qynergy Corporation, Albuquerque, NM; Extreme Sonar LLC, Fort Pierce, FL; Valkyrie Machining LLC, Albuquerque, NM; Chugach Information Technology, Inc., Anchorage, AK; Alare Technologies LLC, Moorpark, CA; AForge LLC, Lorton, VA; Quoherent, Inc., Huntsville, AL; and Fastlion Energy, Inc., State College, PA, have been added as parties to this venture.

Also, Lean Scaled Architects LLC, Saint Petersburg, FL; Luna Labs USA LLC, Charlottesville, VA; MSI Transducers Corp., Littleton, MA; Opto-Knowledge Systems, Inc., Torrance, CA; Absolute Concept Designs LLC, Rio Rancho, NM; Atlantic Diving Supply, Inc., Virginia Beach, VA; Platform Systems Incorporated, Hollywood, MD; Rolls-Royce Marine North America, Inc., Walpole, MA; Blue Innovation Labs, Public Benefit Corporation, Chelsea, MA; Blue Ridge Envisioneering, Inc., Chantilly, VA; Boston Fusion Corp, Lexington, MA; Breault Research Organization, Inc., Tucson, AZ; Cardinal Point Captains, Inc., San Diego, CA; Customer First Corp, Newport, RI; Defense Operations & Execution Solutions, Inc., W Melbourne, FL; Deloitte Consulting LLP, Arlington, VA; Eizo Rugged Solutions, Inc., Orlando, FL; EWA Government Systems, Inc., Herndon, VA; SRC, Inc., Syracuse, NY; Syntonics LLC, Columbia, MD; Systel, Inc., Sugar Land, TX; Tech Resources, Inc., Milford, NH; The University of Southern Mississippi, Hattiesburg, MS; Vmware LLC, Palo Alto, CA; Voiceit Technologies, Inc., Eden Prairie, MN; White River Technologies, Inc., Newton Upper Falls, MA; G Systems, Inc., Irving, TX; HALO Maritime Defense Systems, Inc., Newton, NH; Hefring Inc., Gloucester, MA; Immersion Consulting LLC, Annapolis, MD; L3 Technologies, Inc., Herndon, VA; and L3harris Open Water Power, Inc., Somerville, MA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and UTIC intends to file additional written notifications disclosing all changes in membership.

On October 9, 2018, UTIC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 2, 2018 (83 FR 55203).

The last notification was filed with the Department on October 8, 2025. A

notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 23, 2026 (91 FR 8526).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026–14789 Filed 7–21–26; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Resilient Infrastructure + Secure Energy Consortium

Notice is hereby given that, on January 15, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), the Resilient Infrastructure + Secure Energy Consortium (“RISE”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Govsignals Inc., New York, NY; Raglan LLC, Wilmington, NC; Booz Allen Hamilton, McLean, VA; Analytic Services Inc., Arlington, VA; Arcadis Fieldtech Solutions, Inc., Highlands Ranch, CO; American Energy Intelligence Group LLC, Lafayette, LA; Tempo Global Resources LLC, Homewood, IL; Volynt Aero, Inc., Oxford, OH; and Fastlion Energy Inc., State College, PA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and RISE intends to file additional written notifications disclosing all changes in membership.

On July 2, 2021, RISE filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on August 23, 2021 (86 FR 47155).

The last notification was filed with the Department on October 10, 2025. A notice was published in the **Federal**

**Register** pursuant to section 6(b) of the Act on February 23, 2026 (91 FR 8525).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026–14803 Filed 7–21–26; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Spectrum Consortium, Inc.

Notice is hereby given that, on February 19, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), National Spectrum Consortium, Inc. (“NSC”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 1Aardvark, LLC, Manassas, VA; Analex Corporation, Chantilly, VA; Applied Research Associates, Inc., Albuquerque, NM; ARAMA LLC, Washington, DC; BLUEFUSION INC, Natick, MA; Bluestone Logic, LLC, Washington, DC; C3A Solutions, LLC, Carthage, NC; C3Spectra Inc., Ashburn, VA; Cirrus360 Corporation, Richardson, TX; ColdQuanta, Inc. d.b.a Inflection, Boulder, CO; Combat Power Solutions, LLC, Apex, NC; COMMAND POST TECHNOLOGIES, INC., Suffolk, VA; Cryptic Vector, LLC, Liberty Township, OH; CX2, Inc., El Segundo, CA; Darkhorse Space and Ground Systems LLC, Albuquerque, NM; Disrupter Texas LLC, Crosby, TX; Disruptive Electronic Warfare Machines, LLC, Niceville, FL; Durandal Inc., Charlottesville, VA; EdgeQ, Santa Clara, CA; EXO Insights Corp, Waterloo, CANADA; Florida International University, Miami, FL; Herrick Technology Laboratories, Inc., Germantown, MD; Howder Labs LLC, Hesperia, CA; IBM Corporation through Thomas J. Watson Research Center, Yorktown Heights, NY; Innovwi Limited Liability Company, Plano, TX; Intellisense Systems, Inc., Torrance, CA; MI Technical Solutions, Inc., Chesapeake, VA; Next Phase Solutions and Services, Inc., Columbia, MD; Nokia Federal Solutions Inc, Chantilly, VA; Northwestern University, Evanston, IL; Oak Grove Technologies, LLC, Raleigh,

NC; One World Professionals LLC, Sammamish, WA; Onyx Aerospace INC, Huntsville, AL; OpenAirInterface Foundation, Dover, DE; Open Networking Foundation, Palo Alto, CA; Orbit Communication systems, Inc., Deerfield Beach, FL; Planet Labs Federal, Inc., Arlington, VA; Planet Labs PBC, San Francisco, CA; Primary Aimline LLC, Navarre, FL; Rampart Communications, Inc., Linthicum Heights, MD; RadiSys Corporation, Beaverton, OR; Raycom Communications Solutions, Inc., McLean, VA; Red Research Group, LLC, Southern Pines, NC; Saronic Technologies, Inc., Austin, TX; Satcom Direct Government, LLC, Melbourne, FL; SEACORP, Middletown, RI; Selection Pressure LLC, Alexandria, VA; Siphals Consulting LLC, Bernards, NJ; Southeastern Computer Consultants, Inc (SCCI), King George, VA; Sparton DeLeon Springs LLC, DeLeon Springs, FL; The MathWorks, Inc., Natick, MA; TM Technologies, Inc., Little Switzerland, NC; Valo Analytica LLC, Arlington, VA; Viavi Solutions, Inc., Germantown, MD; and Widelity, Inc., Fairfax, VA, have been added as parties to this venture.

Also, Advanced Ground Information Systems, Inc., Jupiter, FL; Altair Engineering, Inc., Troy, MI; American Systems Corp., Chantilly, VA; Anritsu Company, Morgan Hills, CA; Ansys, Inc., Canonsburg, PA; Astrapi Corp., Dallas, TX; Ballast LLC, Woodinville, WA; Beacon Industries, Inc., Newington, CT; Boonton Electronics, Parsippany, NJ; Chip Scan, Inc., Rockaway Beach, NY; Cogito Innovations, Charlotte Hall, MD; Cognicom, Inc., San Diego, CA; Commdex LLC, Smyrna, GA; CommScope Technologies LLC, Hickory, NC; Corsha, Inc., Vienna, VA; Dualos LLC, Tacoma, WA; Edge Case Research, Inc., Pittsburgh, PA; ElbitAmerica, Inc., Fort Worth, TX; Engineering & Computer Simulations, Inc., Orlando, FL; Epsilon Systems Solutions, Inc., San Diego, CA; Eridan Communications, Inc., Sunnyvale, CA; EWA Government Systems, Inc., Herndon, VA; Fairwinds Technologies LLC, Annapolis, MD; Federal Data Systems LLC, Columbia, MD; Fenix Group, Inc., Chantilly, VA; GE Research, Niskayuna, NY; Genesis Consulting Solutions LLC, Waldorf, MD; GenXComm, Inc., Austin, TX; Google LLC, Mountain View, CA; Harris Corp., Melbourne, FL; Hughes Network Systems LLC, Germantown, MD; Information Systems Laboratories, Inc., Poway, CA; Intel Federal LLC, Fairfax, VA; L3 Technologies Agile

Development Group, Inc., Camden, NJ; Ligado Networks LLC, Reston, VA; Mantech Advanced Systems International, Inc., Herndon, VA; Marvell Government Solutions LLC, Burlington, VT; Mavenir Systems, Inc., Richardson, TX; Mercury Mission Systems LLC, Torrance, CA; Mercury Systems, Inc., Andover, MA; Mississippi State University, Mississippi State, MS; MTI Systems, Inc., Greenbelt, MD; Mynaric USA, Inc., Hawthorne, CA; NewEdge Signal Solutions LLC, Ayer, MA; Opex Systems LLC, Marietta, GA; Orolia Government Systems, Inc., Rochester, NY; Palantir USG, Inc., Palo Alto, CA; QinetiQ, Inc., Lorton, VA; QRC Technologies, Fredericksburg, VA; IonQ, Bakersfield, CA; RADA Technologies LLC, Germantown, MD; Raven Defense Corp., Albuquerque, NM; Research Foundation for The State University of New York University at Albany, Albany, NY; S2 Corp., Bozeman, MT; Sealing Technologies, Inc., Columbia, MD; Sherpa 6, Inc., Littleton, CO; Shipcom Federal Solutions LLC, Belcamp, MD; SimX, Inc., Los Altos, CA; SOC LLC, Chantilly, VA; SIGMA DEFENSE SYSTEMS LLC, San Diego, CA; STAR Dynamics Corp., Hilliard, OH; Stevens Institute of Technology, Hoboken, NJ; Tapestry Solutions, Inc., San Diego, CA; Textron Systems Corp., Hunt Valley, MD; The Nomad Group LLC dba Nomadics, Morristown, NJ; TLC Solutions, Inc., Saint Augustine, FL; Trabus Technologies, Inc., San Diego, CA; Tribalco LLC, Bethesda, MD; Ultralight Industries Corp., Blue Ash, OH; University of Kansas Center for Research, Inc., Lawrence, KS; USCC Services LLC, Chicago, IL; Variableconstant LLC, Arlington, VA; Rapid Offset Technologies LLC, Toano, VA; 3DFortify INC., Charlestown, MA; C-3 Comm Systems, LLC, Arlington, VA; C3 AI, Redwood City, CA; MMB Solutions, Ridgeville, SC; ATG, Inc., Pine, CO; Defense Operations & Execution Solutions Inc., W Melbourne, FL; Sciumo Inc., Odenton, MD; Cornet Technology, Springfield, VA; Oceanetics, Annapolis, MD; UNDERSEA SENSOR SYSTEMS INC, Columbia City, IN; DS2 LLC, Niceville, FL; University of Missouri-Kansas City, Columbia, MO; NextG Systems LLC, Hopewell, NJ; GrammaTech, Ithaca, NY; and goTenna, Inc., Jersey City, NJ, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NSC intends

to file additional written notifications disclosing all changes in membership.

On September 23, 2014, NSC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 4, 2014 (79 FR 65424).

The last notification was filed with the Department on February 3, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 14, 2025 (90 FR 12175).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026-14811 Filed 7-21-26; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### **Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Integrated Photonics Institute for Manufacturing Innovation Operating Under the Name of The American Institute for Manufacturing Integrated Photonics**

Notice is hereby given that, on November 21, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), The Integrated Photonics Institute for Manufacturing Innovation operating under the name of the American Institute for Manufacturing Integrated Photonics (“AIM Photonics”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Baylor University, Waco, TX; President and Fellows of Harvard College acting through John A. Paulson School of Engineering and Applied Sciences, Allston, MA; University of Southern California, Los Angeles, CA; University of Wisconsin-Madison, Madison, WI; The University of Central Florida Board of Trustees, Orlando, FL; and Texas A&M Engineering Experiment Station, Bryan, TX, have been added as parties to this venture.

Also, Mosaic Microsystems, LLC, Rochester, NY; AdvR Inc., Bozeman, MT; Intelligent Fiber Optic Systems Corporation, San Jose, CA; Infinera Corporation, San Jose, CA; ficon TEC Corporation, San Clemente, CA; and

Syntec Technologies, Inc., Rochester, NY, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and AIM Photonics intends to file additional written notifications disclosing all changes in membership.

On June 16, 2016, AIM Photonics filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 25, 2016 (81 FR 48450).

The last notification was filed with the Department on August 18, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 20, 2026 (91 FR 2373).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026–14791 Filed 7–21–26; 8:45 am]

BILLING CODE 4410–11–P

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Expeditionary Missions Consortium—Crane

Notice is hereby given that, on March 16, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Expeditionary Missions Consortium—Crane (“EMC<sup>2</sup>”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Sustainable Advancement of Green Energy—Sage Pacific LLC, Kapolei, HI; The University of Central Florida Board of Trustees, Orlando, FL; Torrey Pines Logic, Inc., San Diego, CA; Ultool LLC, Duluth, GA; World Kinect Government Solutions, Inc., Miami, FL; Defense Operations & Execution Solutions Inc., W Melbourne, FL; EIZO Rugged Solutions, Inc., Orlando, FL; Electro Standards Laboratory, Inc., Cranston, RI; Electronics Service Inc., Great Mills, MD; Aetherflux, Inc., San Carlos, CA; Attic Research LLC, Beavercreek, OH; Captis Aire LLC, East

Point, GA; Coreshell Technologies Inc., San Leandro, CA; Red Cedar Usa, LLC, Arlington, VA; Integrity Defense Solutions, Inc., Newport News, VA; and Kbr Wyle Services, LLC, Lexington Park, MD, have been added as parties to this venture.

Also, Numerica Corporation, Fort Collins, CO, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and EMC<sup>2</sup> intends to file additional written notifications disclosing all changes in membership.

On January 11, 2024, EMC<sup>2</sup> filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 13, 2024 (89 FR 18439).

The last notification was filed with the Department on October 14, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 23, 2026 (91 FR 8531).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026–14812 Filed 7–21–26; 8:45 am]

BILLING CODE P

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Mobile Satellite Services Association

Notice is hereby given that, on April 27, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Mobile Satellite Services Association (“MSSA”), filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Creative5 Inc., Taipei City, REPUBLIC OF CHINA (TAIWAN) has been added as a party to this venture.

Also, Simnovus Corporation, Cary, NC has withdrawn as a party to this venture.

No other changes have been made to either the membership or planned activity of the group research project. Membership in this group remains

open, and MSSA intends to file additional written notifications disclosing all changes in membership.

On April 26, 2024, MSSA filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 21, 2024 (89 FR 52089).

The last notification was filed with the Department on November 4, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 20, 2026 (91 FR 2370).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026–14780 Filed 7–21–26; 8:45 am]

BILLING CODE P

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—OpenGMSL Association

Notice is hereby given that, on May 18, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), OpenGMSL Association (“OpenGMSL”) filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Elka International Ltd., New Taipei City, REPUBLIC OF CHINA (TAIWAN); Molex LLC, Rochester Hills, MI; OmniVision Technologies, Inc., Santa Clara, CA; Semiconductor Components Industries, LLC d/b/a onsemi, Scottsdale, AZ; Suzhou ChinaSTI XinWei Testing Technology Co., Ltd., Suzhou City, PEOPLE’S REPUBLIC OF CHINA; and Tektronix, Inc., Beaverton, OR have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open and OpenGMSL intends to file additional written notifications disclosing all changes in membership.

On June 30, 2025, OpenGMSL filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal**

**Register** pursuant to section 6(b) of the Act on August 13, 2025 (90 FR 38998).

The last notification was filed with the Department of Justice on February 27, 2026. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 26, 2026 (91 FR 14716).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026–14785 Filed 7–21–26; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Consortium for Rare Earth Technologies

Notice is hereby given that, on April 27, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Consortium for Rare Earth Technologies (“CREaTe”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, BlueShift, Somerville, MA; Tubitak, Boston, MA; Longivity Minerals PVT Ltd., Mumbai, REPUBLIC OF INDIA; DexTech Inc., Boston, MA; EXOLAB LLC, Gig Harbor, WA; University of Virginia—ReAsh DOC EnergyTech Competition Team, Arlington, VA; National Renewable Energy Laboratory, Golden, CO; Tetra Tech, Salt Lake City, NE; The Cohen Group, Washington, DC; ReElement Technologies Corporation, Fishers, IN; GHOST Development, Inc., Virginia Beach, VA; JOC LLC, Loudon, TN; The Manufacturing Technology Centre Limited (MTC), Coventry, AL; Sadoway Inc., Jamestown, RI; Retech Systems LLC, Buffalo, NY; GeoSkills.ai, The Woodlands, TX; Claros Technologies, Minneapolis, MN; Deep Root Biolabs, Inc., Baltimore, MD; American Renewable Metals LLC, Bessemer, AL; Sovereign Eagle Laboratories, Bedford, IN; Julius, Somerville, MA; Symbiosis.io LLC, Smyrna, GA; Polar Semiconductor LLC, Bloomington, MN; Globalstratos Management Corporation, Durham, NC; K66, Plano, TX; Diversified Technologies, Inc., Bedford, MA; Privately held REE Mining Company,

Lake Park, IA; Alpha Commodities, Inc., Gary, IN; Firepoint Energy, Inc., Saltsburg, PA; Redbird Bluebird, Inc., Kingsland, TX; and Solvus Global, Worcester, MA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CREaTe intends to file additional written notifications disclosing all changes in membership.

On April 22, 2022, CREaTe filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on May 13, 2022 (87 FR 29384).

The last notification was filed with the Department on April 21, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on June 11, 2025 (90 FR 24668).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026–14813 Filed 7–21–26; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Canton Foundation (F/K/ A Global Synchronizer Foundation)

Notice is hereby given that, on May 20, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Canton Foundation (f/k/a Global Synchronizer Foundation) (“Canton Foundation”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, USIG Digital, Inc., Mamaroneck, NY; Kora Labs Corp, Panama, REPUBLIC OF PANAMA; Avro Digital Inc., Red Bank, NJ; Lloyds Bank Plc, London, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; PixelPlex, London, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; International Swaps and Derivatives Association, New York, NY; OnRails Ltd, Tortola, BRITISH VIRGIN ISLANDS; Pioneering Booster Limited, Tortola, BRITISH

VIRGIN ISLANDS; Guffey, Inc., New York, NY; FP Complete Corporation, Charlotte, NC; Cashen Labs, Inc., Chicago, IL; DEC Institute, Risch-Rotkreiz, SWISS CONFEDERATION; Excellar Inc., Edison, NJ; Chata Technologies Inc., Calgary, CANADA; Enzyme Foundation, Nassau, COMMONWEALTH OF THE BAHAMAS; and Galaxy Digital, New York, NY, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Canton Foundation intends to file additional written notifications disclosing all changes in membership.

On September 18, 2024, Canton Foundation filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on October 11, 2024 (89 FR 82632).

The last notification was filed with the Department on April 7, 2026. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on June 22, 2026 (91 FR 37145).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2026–14818 Filed 7–21–26; 8:45 am]

**BILLING CODE 4410–11–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. DEA–1737]

#### Bulk Manufacturer of Controlled Substances Application: Cerilliant Corporation

**AGENCY:** Drug Enforcement Administration, Justice.

**ACTION:** Notice of application.

**SUMMARY:** Cerilliant Corporation has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

**DATES:** Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before September 21, 2026. Such persons may also file a written request for a hearing on the application on or before September 21, 2026.

**ADDRESSES:** The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for

submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

**SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 1301.33(a), this is notice that on May 8, 2026, Cerilliant Corporation, 811 Paloma Drive, Round Rock, Texas 78665–2402, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

| Controlled substance                                                                                                                                                | Drug code | Schedule |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------|
| 3-Fluoro-N-methylcathinone (3-FMC) .....                                                                                                                            | 1233      | I        |
| Cathinone .....                                                                                                                                                     | 1235      | I        |
| Methcathinone .....                                                                                                                                                 | 1237      | I        |
| 4-Fluoro-N-methylcathinone (4-FMC) 1238 I N .....                                                                                                                   | 1238      | I        |
| 4-Chloromethcathinone .....                                                                                                                                         | 1239      | I        |
| Para-Methoxymethamphetamine (PMMA), 1-(4-methoxyphenyl)-N-methylpropan-2-amine .....                                                                                | 1245      | I        |
| Pentedrone ( $\alpha$ -methylaminovalesterophenone) .....                                                                                                           | 1246      | I        |
| Mephedrone (4-Methyl-N-methylcathinone) .....                                                                                                                       | 1248      | I        |
| 4-Methyl-N-ethylcathinone (4-MEC) .....                                                                                                                             | 1249      | I        |
| Naphyrone .....                                                                                                                                                     | 1258      | I        |
| N-Ethylamphetamine .....                                                                                                                                            | 1475      | I        |
| Methiopropamine (N-methyl-1-(thiophen-2-yl)propan-2-amine) 1478 I N .....                                                                                           | 1478      | I        |
| N,N-Dimethylamphetamine .....                                                                                                                                       | 1480      | I        |
| Fenethylamine .....                                                                                                                                                 | 1503      | I        |
| Aminorex .....                                                                                                                                                      | 1585      | I        |
| 4-Methylaminorex (cis isomer) .....                                                                                                                                 | 1590      | I        |
| 4,4'-Dimethylaminorex (4,4'-DMAR; 4,5-dihydro-4-1595 I N methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine) ..... | 1595      | I        |
| Ethylphenidate (ethyl 2-phenyl-2-(piperidin-2-yl)acetate) .....                                                                                                     | 1727      | I        |
| Gamma Hydroxybutyric Acid .....                                                                                                                                     | 2010      | I        |
| Methaqualone .....                                                                                                                                                  | 2565      | I        |
| Bromazolam (8-bromo-1-methyl-6-phenyl-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine) .....                                                                        | 2778      | I        |
| Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine .....                                                            | 2780      | I        |
| Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine) .....                                                          | 2785      | I        |
| Clonazolam (6-(2-chlorophenyl)-1-methyl-8-nitro-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine .....                                                               | 2786      | I        |
| Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine .....                                                            | 2788      | I        |
| Diclazepam (7-chloro-5-(2-chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2H-benzo[e][1,4]diazepin-2-one) .....                                                      | 2789      | I        |
| Cannabimimetic Agents .....                                                                                                                                         | 7000      | I        |
| ADB-FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide) .....                                                          | 7010      | I        |
| 5-Fluoro-UR-144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone .....                                                         | 7011      | I        |
| AB-FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide) .....                                                               | 7012      | I        |
| FUB-144 (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone) .....                                                                          | 7014      | I        |
| MDMB-FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate) .....                                                                 | 7020      | I        |
| FUB-AMB, MMB-FUBINACA, AMB-FUBINACA (2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate) .....                                                      | 7021      | I        |
| AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide) .....                                                                           | 7023      | I        |
| THJ-2201 [(1-(5-fluoropentyl)-1H-indazol-3-yl)(naphthalen-1-yl)methanone) .....                                                                                     | 7024      | I        |
| 5F-AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboximide) .....                                                              | 7025      | I        |
| ADB-BUTINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butyl-1H-indazole-3-carboxamide) .....                                                                     | 7027      | I        |
| AB-CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide) .....                                                             | 7031      | I        |
| MAB-CHMINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide) .....                                                        | 7032      | I        |
| 5F-AMB (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate) .....                                                                            | 7033      | I        |
| 5F-ADB, 5F-MDMB-PINACA (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate) .....                                                        | 7034      | I        |
| ADB-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide) .....                                                                      | 7035      | I        |
| 5F-EDMB-PINACA (ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate) .....                                                                 | 7036      | I        |
| 5F-MDMB-PICA (methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate) .....                                                                    | 7041      | I        |
| MDMB-CHMICA, MMB-CHMINACA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate) .....                                                     | 7042      | I        |
| 4F-MDMB-BINACA (4F-MDMB-BUTINACA or methyl 2-(1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate) 7043 I N .....                                    | 7043      | I        |
| MMB-CHMICA, AMB-CHMICA (methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate) .....                                                            | 7044      | I        |
| FUB-AKB48, FUB-APINACA, AKB48 N-(4-FLUOROBENZYL) (N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboximide) .....                                            | 7047      | I        |
| APINACA and AKB48 (N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide) .....                                                                                        | 7048      | I        |
| 5F-APINACA, 5F-AKB48 (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide) .....                                                                        | 7049      | I        |
| 5F-CUMYL-PINACA, 5GT-25 (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide) .....                                                                | 7083      | I        |
| 5F-CUMYL-P7AICA (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide) .....                                                          | 7085      | I        |
| 4-CN-CUML-BUTINACA, 4-cyano-CUMYL-BUTINACA, 4-CN-CUMYL BINACA, CUMYL-4CN-BINACA, SGT-78 (1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide) .....  | 7089      | I        |
| MDMB-4en-PINACA (methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1H-indazole-3-carboxamido)butanoate) .....                                                               | 7090      | I        |
| JWH-018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole) .....                                                                                                | 7118      | I        |
| UR-144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone .....                                                                                      | 7144      | I        |
| AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole) .....                                                                                                            | 7201      | I        |

| Controlled substance                                                                                | Drug code | Schedule |
|-----------------------------------------------------------------------------------------------------|-----------|----------|
| 6,6,9-Trimethyl-3-pentyl-6a,7,8,9,10,10a-hexahydro-6H benzo[c]chromen-1-ol .....                    | 7220      |          |
| NM2201, CBL2201 (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate) .....                  | 7221      |          |
| PB-22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate) .....                                        | 7222      |          |
| 5F-PB-22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate) .....                           | 7225      |          |
| 4-methyl-alpha-ethylaminopentiophenone (4-MEAP) 7245 I N 4-MEAP .....                               | 7245      |          |
| N-ethylhexedrone 7246 I N .....                                                                     | 7246      |          |
| Alpha-ethyltryptamine .....                                                                         | 7249      |          |
| Ibogaine .....                                                                                      | 7260      |          |
| 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one (methoxetamine) .....                            | 7286      |          |
| Lysergic acid diethylamide .....                                                                    | 7315      |          |
| 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine) .....                                         | 7348      |          |
| Marihuana .....                                                                                     | 7360      |          |
| Tetrahydrocannabinols .....                                                                         | 7370      |          |
| Parahehyl .....                                                                                     | 7374      |          |
| Mescaline .....                                                                                     | 7381      |          |
| 2C-T-2 (2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine) .....                                       | 7385      |          |
| 3,4,5-Trimethoxyamphetamine .....                                                                   | 7390      |          |
| 4-Bromo-2,5-dimethoxyamphetamine .....                                                              | 7391      |          |
| 4-Bromo-2,5-dimethoxyphenethylamine .....                                                           | 7392      |          |
| 4-Methyl-2,5-dimethoxyamphetamine .....                                                             | 7395      |          |
| 2,5-Dimethoxyamphetamine .....                                                                      | 7396      |          |
| 2,5-Dimethoxy-4-ethylamphetamine .....                                                              | 7399      |          |
| 3,4-Methylenedioxyamphetamine .....                                                                 | 7400      |          |
| 5-Methoxy-3,4-methylenedioxyamphetamine .....                                                       | 7401      |          |
| N-Hydroxy-3,4-methylenedioxyamphetamine .....                                                       | 7402      |          |
| 3,4-Methylenedioxy-N-ethylamphetamine .....                                                         | 7404      |          |
| 3,4-Methylenedioxymethamphetamine .....                                                             | 7405      |          |
| 4-Methoxyamphetamine .....                                                                          | 7411      |          |
| 5-Methoxy-N-N-dimethyltryptamine .....                                                              | 7431      |          |
| Alpha-methyltryptamine .....                                                                        | 7432      |          |
| Bufotenine .....                                                                                    | 7433      |          |
| Diethyltryptamine .....                                                                             | 7434      |          |
| Dimethyltryptamine .....                                                                            | 7435      |          |
| Psilocybin .....                                                                                    | 7437      |          |
| Psilocyn .....                                                                                      | 7438      |          |
| 5-Methoxy-N,N-diisopropyltryptamine .....                                                           | 7439      |          |
| 4-chloro-alpha-pyrrolidinovalerophenone (4-chloro-aPV) .....                                        | 7443      |          |
| 4'-methyl-alpha-pyrrolidinohexiophenone (MPHP) .....                                                | 7446      |          |
| N-Ethyl-1-phenylcyclohexylamine .....                                                               | 7455      |          |
| 1-(1-Phenylcyclohexyl)pyrrolidine .....                                                             | 7458      |          |
| 1-[1-(2-Thienyl)cyclohexyl]piperidine .....                                                         | 7470      |          |
| N-Benzylpiperazine .....                                                                            | 7493      |          |
| 4-MePPP (4-Methyl-alpha-pyrrolidinopropiophenone) .....                                             | 7498      |          |
| 2C-D (2-(2,5-Dimethoxy-4-methylphenyl) ethanamine) .....                                            | 7508      |          |
| 2C-E (2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine) .....                                             | 7509      |          |
| 2C-H 2-(2,5-Dimethoxyphenyl) ethanamine) .....                                                      | 7517      |          |
| 2C-I 2-(4-iodo-2,5-dimethoxyphenyl) ethanamine) .....                                               | 7518      |          |
| 2C-C 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine) .....                                             | 7519      |          |
| 2C-N (2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine) .....                                            | 7521      |          |
| 2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine) .....                                        | 7524      |          |
| 2C-T-4 (2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine) .....                                  | 7532      |          |
| MDPV (3,4-Methylenedioxypropylvalerone) .....                                                       | 7535      |          |
| 25B-NBOMe (2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine) .....                    | 7536      |          |
| 25C-NBOMe (2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine) .....                   | 7537      |          |
| 25I-NBOMe (2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine) .....                     | 7538      |          |
| Methylone (3,4-Methylenedioxy-N-methylcathinone) .....                                              | 7540      |          |
| Butylone .....                                                                                      | 7541      |          |
| Pentylone .....                                                                                     | 7542      |          |
| N-Ethypentylone, ephylone (1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one) .....              | 7543      |          |
| alpha-pyrrolidinohexanophenone (a-PHP) .....                                                        | 7544      |          |
| alpha-pyrrolidinopentiophenone (α-PVP) .....                                                        | 7545      |          |
| alpha-pyrrolidinobutiophenone (α-PBP) .....                                                         | 7546      |          |
| Ethylone .....                                                                                      | 7547      |          |
| alpha-pyrrolidinoheptaphenone (PV8) .....                                                           | 7548      |          |
| Eutylone .....                                                                                      | 7549      |          |
| α-PiHP (4-methyl-1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one) .....                                    | 7551      |          |
| 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)pentan-1 one .....                                        | 7552      |          |
| Acetyldihydrocodeine .....                                                                          | 9051      |          |
| Benzylmorphine .....                                                                                | 9052      |          |
| Codeine-N-oxide .....                                                                               | 9053      |          |
| Desomorphine .....                                                                                  | 9055      |          |
| Codeine methylbromide .....                                                                         | 9070      |          |
| Brorphine (1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)1,3-dihydro-2H-benzo[d]imidazol-2-one) ..... | 9098      |          |

| Controlled substance                                                                                                     | Drug code | Schedule |
|--------------------------------------------------------------------------------------------------------------------------|-----------|----------|
| Dihydromorphine .....                                                                                                    | 9145      | I        |
| Difenoxin .....                                                                                                          | 9168      | I        |
| Heroin .....                                                                                                             | 9200      | I        |
| Hydromorphenol .....                                                                                                     | 9301      | I        |
| Methyldesorphine .....                                                                                                   | 9302      | I        |
| Methyldihydromorphine .....                                                                                              | 9304      | I        |
| Morphine methylbromide .....                                                                                             | 9305      | I        |
| Morphine methylsulfonate .....                                                                                           | 9306      | I        |
| Morphine-N-oxide .....                                                                                                   | 9307      | I        |
| Normorphine .....                                                                                                        | 9313      | I        |
| Pholcodine .....                                                                                                         | 9314      | I        |
| U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide) .....                                           | 9547      | I        |
| AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide) .....                                              | 9551      | I        |
| MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine) .....                                                               | 9560      | I        |
| Acetylmethadol .....                                                                                                     | 9601      | I        |
| Allylprodine .....                                                                                                       | 9602      | I        |
| Alphacetylmethadol except levo-alphacetylmethadol .....                                                                  | 9603      | I        |
| Alphameprodine .....                                                                                                     | 9604      | I        |
| Alphamethadol .....                                                                                                      | 9605      | I        |
| Betacetylmethadol .....                                                                                                  | 9607      | I        |
| Betameprodine .....                                                                                                      | 9608      | I        |
| Betamethadol .....                                                                                                       | 9609      | I        |
| Betaprodine .....                                                                                                        | 9611      | I        |
| Clonitazene .....                                                                                                        | 9612      | I        |
| Isotonotazene (N,N-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine) .....                   | 9614      | I        |
| Dipipanone .....                                                                                                         | 9622      | I        |
| Etonitazene .....                                                                                                        | 9624      | I        |
| Hydroxypethidine .....                                                                                                   | 9627      | I        |
| Noracymethadol .....                                                                                                     | 9633      | I        |
| Norlevorphanol .....                                                                                                     | 9634      | I        |
| Normethadone .....                                                                                                       | 9635      | I        |
| Trimeperidine .....                                                                                                      | 9646      | I        |
| Phenomorphane .....                                                                                                      | 9647      | I        |
| 1-Methyl-4-phenyl-4-propionoxypiperidine .....                                                                           | 9661      | I        |
| Tilidine .....                                                                                                           | 9750      | I        |
| Butonitazene (2-(2-(4-butoxybenzyl)-5-nitro-1Hbenzimidazol-1-yl)-N,N-diethylethan-1-amine) .....                         | 9751      | I        |
| lunitazene (N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine) .....                          | 9756      | I        |
| Metonitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1Hbenzimidazol-1-yl)ethan-1-amine) .....                        | 9757      | I        |
| N-pyrrolidino etonitazene; etonitazepyne (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1Hbenzimidazole) ..... | 9758      | I        |
| Protonitazene (N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine) .....                      | 9759      | I        |
| N-desethyl isotonitazene (N-ethyl-2-(2-(4-isopropoxylbenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amin) .....            | 9760      | I        |
| N-piperidinyl etonitazene (2-(4-ethoxybenzyl)-5-nitro-1-(2-(piperidin-1-yl)ethyl)-1H-benzimidazole) 9 .....              | 9761      | I        |
| 2-(4-Methoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl) 1H-benzimidazole (N-pyrrolidino metonitazene) .....             | 9762      | I        |
| 5-Nitro-2-(4-propoxybenzyl)-1-(2-(pyrrolidin-1-yl)ethyl) 1H-benzimidazole (N-pyrrolidino protonitazene) .....            | 9763      | I        |
| Metodesnitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine) .....                            | 9764      | I        |
| Etodesnitazene; etazene (2-(2-(4-ethoxybenzyl)-1Hbenzimidazol-1-yl)-N,N-diethylethan-1-amine) .....                      | 9765      | I        |
| 2-(2-(4-Ethoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N ethylethan-1-amine .....                                           | 9768      | I        |
| N-Ethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H benzimidazol-1-yl)ethan-1-amine .....                                          | 9769      | I        |
| Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide) .....                                                  | 9811      | I        |
| Para-Fluorofentanyl .....                                                                                                | 9812      | I        |
| 3-Methylfentanyl .....                                                                                                   | 9813      | I        |
| Alpha-methylfentanyl .....                                                                                               | 9814      | I        |
| Acetyl-alpha-methylfentanyl .....                                                                                        | 9815      | I        |
| N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide .....                                                       | 9816      | I        |
| Para-Methylfentanyl (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide; also known as 4-methylfentanyl) ..... | 9817      | I        |
| 4'-Methyl acetyl fentanyl (N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide) .....                              | 9819      | I        |
| ortho-Methyl methoxyacetyl fentanyl (2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide) .....          | 9820      | I        |
| Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide) .....                                                  | 9821      | I        |
| Butyryl Fentanyl .....                                                                                                   | 9822      | I        |
| Para-fluorobutyryl fentanyl .....                                                                                        | 9823      | I        |
| 4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide) .....                        | 9824      | I        |
| 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide .....                                                          | 9825      | I        |
| Para-chloroisobutyryl fentanyl .....                                                                                     | 9826      | I        |
| Isobutyryl fentanyl .....                                                                                                | 9827      | I        |
| Beta-hydroxyfentanyl .....                                                                                               | 9830      | I        |
| Beta-hydroxy-3-methylfentanyl .....                                                                                      | 9831      | I        |
| Alpha-methylthiofentanyl .....                                                                                           | 9832      | I        |
| 3-Methylthiofentanyl .....                                                                                               | 9833      | I        |
| Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide) .....                                       | 9834      | I        |
| Thiofentanyl .....                                                                                                       | 9835      | I        |
| Beta-hydroxythiofentanyl .....                                                                                           | 9836      | I        |
| Para-methoxybutyryl fentanyl .....                                                                                       | 9837      | I        |
| Ocfentanil .....                                                                                                         | 9838      | I        |

| Controlled substance                                                                                                                                | Drug code | Schedule |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------|
| Thiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide; also known as 2-thiofuranyl fentanyl; thiophene fentanyl).     | 9839      | I        |
| Valeryl fentanyl                                                                                                                                    | 9840      | I        |
| Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide; also known as benzoyl fentanyl)                                                   | 9841      | I        |
| beta'-Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide; also known as $\beta'$ -phenyl fentanyl; 3-phenylpropanoyl fentanyl). | 9842      | I        |
| N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide                                                                                 | 9843      | I        |
| Crotonyl fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide)                                                                         | 9844      | I        |
| Cyclopropyl Fentanyl                                                                                                                                | 9845      | I        |
| ortho-Fluorobutyl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide; also known as 2-fluorobutyl fentanyl).                      | 9846      | I        |
| Cyclopentyl fentanyl                                                                                                                                | 9847      | I        |
| ortho-Methyl acetylfentanyl (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide; also known as 2-methyl acetylfentanyl).                     | 9848      | I        |
| Fentanyl related-compounds as defined in 21 CFR 1308.11(h)                                                                                          | 9850      | I        |
| Fentanyl carbamate (ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate)                                                                             | 9851      | I        |
| ortho-Fluoroacryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide)                                                             | 9852      | I        |
| ortho-Fluoroisobutyl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)                                                       | 9853      | I        |
| Para-Fluoro furanyl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide)                                                  | 9854      | I        |
| 2'-Fluoro ortho-fluorofentanyl (N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide; also known as 2'-fluoro 2-fluorofentanyl).  | 9855      | I        |
| beta-Methyl fentanyl (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide; also known as $\beta$ -methyl fentanyl)                            | 9856      | I        |
| Amphetamine                                                                                                                                         | 1100      | II       |
| Methamphetamine                                                                                                                                     | 1105      | II       |
| Lisdexamfetamine                                                                                                                                    | 1205      | II       |
| Phenmetrazine                                                                                                                                       | 1631      | II       |
| Methylphenidate                                                                                                                                     | 1724      | II       |
| Amobarbital                                                                                                                                         | 2125      | II       |
| Pentobarbital                                                                                                                                       | 2270      | II       |
| Secobarbital                                                                                                                                        | 2315      | II       |
| Glutethimide                                                                                                                                        | 2550      | II       |
| Nabilone                                                                                                                                            | 7379      | II       |
| 1-Phenylcyclohexylamine                                                                                                                             | 7460      | II       |
| Phencyclidine                                                                                                                                       | 7471      | II       |
| ANPP (4-Anilino-N-phenethyl-4-piperidine)                                                                                                           | 8333      | II       |
| Norfentanyl (N-phenyl-N-(piperidin-4-yl) propionamide)                                                                                              | 8366      | II       |
| Phenylacetone                                                                                                                                       | 8501      | II       |
| 1-Piperidinocyclohexanecarbonitrile                                                                                                                 | 8603      | II       |
| Alphaprodine                                                                                                                                        | 9010      | II       |
| Cocaine                                                                                                                                             | 9041      | II       |
| Codeine                                                                                                                                             | 9050      | II       |
| Dihydrocodeine                                                                                                                                      | 9120      | II       |
| Oxycodone                                                                                                                                           | 9143      | II       |
| Hydromorphone                                                                                                                                       | 9150      | II       |
| Diphenoxylate                                                                                                                                       | 9170      | II       |
| Ecgonine                                                                                                                                            | 9180      | II       |
| Ethylmorphine                                                                                                                                       | 9190      | II       |
| Hydrocodone                                                                                                                                         | 9193      | II       |
| Levomethorphan                                                                                                                                      | 9210      | II       |
| Levorphanol                                                                                                                                         | 9220      | II       |
| Isomethadone                                                                                                                                        | 9226      | II       |
| Meperidine                                                                                                                                          | 9230      | II       |
| Meperidine intermediate-A                                                                                                                           | 9232      | II       |
| Meperidine intermediate-B                                                                                                                           | 9233      | II       |
| Meperidine intermediate-C                                                                                                                           | 9234      | II       |
| Metazocine                                                                                                                                          | 9240      | II       |
| Methadone                                                                                                                                           | 9250      | II       |
| Methadone intermediate                                                                                                                              | 9254      | II       |
| Dextropropoxyphene, bulk (non-dosage forms)                                                                                                         | 9273      | II       |
| Morphine                                                                                                                                            | 9300      | II       |
| Thebaine                                                                                                                                            | 9333      | II       |
| Levo-alphaacetylmethadol                                                                                                                            | 9648      | II       |
| Oxymorphone                                                                                                                                         | 9652      | II       |
| Noroxymorphone                                                                                                                                      | 9668      | II       |
| Thiafentanil                                                                                                                                        | 9729      | II       |
| Racemethorphan                                                                                                                                      | 9732      | II       |
| Alfentanil                                                                                                                                          | 9737      | II       |
| Remifentanil                                                                                                                                        | 9739      | II       |
| Sufentanil                                                                                                                                          | 9740      | II       |
| Carfentanil                                                                                                                                         | 9743      | II       |
| Tapentadol                                                                                                                                          | 9780      | II       |
| Fentanyl                                                                                                                                            | 9801      | II       |

The company plans to bulk manufacture the listed controlled substances for the internal use intermediates and analytical reference standards for sale to its customers. In reference to drug codes 7360 (Marihuana), and 7370 (Tetrahydrocannabinols), the company plans to bulk manufacture these drugs as synthetic. No other activities for these drug codes are authorized for this registration.

**Thomas Prevostnik,**  
Deputy Assistant Administrator.

[FR Doc. 2026-14704 Filed 7-21-26; 8:45 am]

**BILLING CODE 4410-09-P**

## DEPARTMENT OF JUSTICE

[OMB 1140-0097]

### Agency Information Collection Activities; Proposed Collection; Comments Requested; Revision of a Previously Approved Collection; Title—Supplemental Information on Water Quality Considerations—ATF Form 5400.30

**AGENCY:** Bureau of Alcohol, Tobacco, Firearms, and Explosives; Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), will be submitting the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** ATF encourages comments on this information collection. You may submit written comments until midnight on September 21, 2026.

**ADDRESSES:** Submit written comments and recommendations for this information collection, especially on the estimated public burden or associated response time, to Shawn Stevens, Federal Explosives Licensing Center, by email to [FELC@atf.gov](mailto:FELC@atf.gov), or by mail to ATF-FELC: 244 Needy Road; Martinsburg, WV 25405. Identify comments by the OMB control number

1140-0097. You may view the proposed information collection instrument online at <https://www.atf.gov/rules-and-regulations/federal-register-actions/forms-and-information-collection>.

**FOR FURTHER INFORMATION CONTACT:** If you have questions or need a copy of the proposed information collection instrument with instructions or additional information, contact: Shawn Stevens, ATF-FELC, either by mail at 244 Needy Road; Martinsburg, WV 25405, by email at [FELC@atf.gov](mailto:FELC@atf.gov), or by telephone at 304-616-4400. If you require additional information on DOJ's ICR process for this renewal request, contact Darwin Arceo, Department Clearance Officer; United States Department of Justice; Justice Management Division, Enterprise Portfolio Management; Two Constitution Square, 145 N Street NE, 4W-218; Washington, DC.

**SUPPLEMENTARY INFORMATION:** We encourage written comments and suggestions from the public and affected agencies concerning the proposed information collection. Your comments should address one or more of the following four points:

- Evaluate whether the proposed information collection is necessary to properly perform ATF's functions, including whether the information will have practical utility;
- Evaluate the agency's estimate of the proposed information collection's burden for accuracy, including validity of the methodology and assumptions used;
- Evaluate whether, and if so, how, the quality, utility, and clarity of the collected information can be enhanced; and
- Minimize the information collection's burden on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting people to submit electronic responses.

## Overview of This Information Collection

**Abstract:** A person engaged in the business of manufacturing explosives is required to have a license under the provisions of 18 U.S.C 843. The Federal Water Pollution Control Act, 33 U.S.C. 1341, requires manufacturers to certify that waste disposal practices are lawful with regard to impact on water sources. ATF Form 5400.30, Supplemental Information on Water Quality Considerations, serves this purpose and persons manufacturing explosives must submit it with their explosives license applications to ensure compliance with the water pollution control act.

**Type of information collection:** revising a previously approved collection.

**Title of the form/collection:** Supplemental Information on Water Quality Considerations.

**Agency form number, if any, and the applicable component of the Department sponsoring the collection:** Form number: ATF Form 5400.30.  
**Component:** Bureau of Alcohol, Tobacco, Firearms, and Explosives; U.S. Department of Justice.

**Affected public who will be asked or required to respond, as well as the obligation to respond:** Affected public: private sector for-profit institutions.  
**Obligation to respond:** voluntary, required to obtain/retain a benefit.

**Estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:** There are an estimated 670 respondents associated with this information collection and each respondent completes the form once annually. It will take each respondent an average of approximately 20 minutes to complete their responses.

**Estimate of the total annual burden (in hours) associated with the collection:** The estimated annual public burden associated with this collection is 201 total hours, which is equal to 670 (total respondents) \* 1 (# of responses per respondent) \* 0.3 (20 minutes).

**Estimate of the total annual other cost burden associated with the collection, if applicable:** 0.

## ESTIMATED TOTAL HOURLY BURDEN

| Activity                      | Number of respondents | Frequency | Total annual responses | Time per response (hours) | Total annual burden (hours) |
|-------------------------------|-----------------------|-----------|------------------------|---------------------------|-----------------------------|
| Completing Form 5400.30 ..... | 670                   | 1         | 670                    | 0.3                       | 201                         |

## Revisions to This Information Collection

ATF is revising information collection OMB 1140–0097 to reflect a decrease in the overall annual public burden. The number of respondents to this ICR have decreased from the last renewal in 2023, from 680 respondents to 670, because fewer persons applied for explosives licenses during the intervening three years. This decrease also resulted in a corresponding decrease in the hourly burden, from 340 hours to 335. In addition, because the forms have become entirely electronic, the amount of time required to complete this information collection has decreased from 0.5 to 0.3 hours, further decreasing the hourly burden for this ICR to 201 hours. As part of this ICR renewal, ATF is also revising the form number from ATF Form 5000.30 to ATF Form 5400.30 to align with changes to ATF's numbering structure, and is revising the title of the form and the ICR for plain writing purposes, from "Supplemental Information on Water Quality Considerations—Under 33 U.S.C. 1341(a)" to "Supplemental Information on Water Quality Considerations." In addition, ATF is making minor plain writing edits to text on the form, removing obsolete references to submitting multiple copies and to including a form or serial number, and is adding clarifying parentheticals to the applicant and signature boxes for entity applicants and responsible persons.

Dated: July 20, 2026.

**Darwin Arceo,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2026–14823 Filed 7–21–26; 8:45 am]

**BILLING CODE 4410-FY-P**

## NUCLEAR REGULATORY COMMISSION

[NRC–2026–1849]

### Draft NUREG: Training Review Criteria and Procedures

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Draft report; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft NUREG–1220, Revision 2, "Training Review Criteria and Procedures." This NUREG provides guidance to NRC staff for reviewing training programs at nuclear power plants to verify that they are developed and maintained using a Systems Approach to Training (SAT). It

describes the review criteria and evaluation methods used by NRC staff for both initial training program reviews and ongoing training program inspections, and it summarizes the five SAT elements consistent with the framework outlined in ANSI/ANS–3.1–2014, as endorsed by Regulatory Guide 1.8, "Qualification and Training of Personnel for Nuclear Power Plants."

**DATES:** Submit comments by August 21, 2026. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments by any of the following; however, the NRC encourages electronic comment submission through the Federal rulemaking website.

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2026–1849. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: [Bridget.Curran@nrc.gov](mailto:Bridget.Curran@nrc.gov). For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Office of Nuclear Material Safety and Safeguards, Mail Stop: TWFN–5–A85, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Guidance and Publications Branch.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

Maggie Chauhan, telephone: 301–415–0365; email: [Maggie.Chauhan@nrc.gov](mailto:Maggie.Chauhan@nrc.gov) and Jeff Correll, telephone: 301–415–2414; email: [Jeffrey.Correll@nrc.gov](mailto:Jeffrey.Correll@nrc.gov). Both are staff of the Office of Advanced Reactors at the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

#### SUPPLEMENTARY INFORMATION:

##### I. Obtaining Information and Submitting Comments

###### A. Obtaining Information

Please refer to Docket ID NRC–2026–1849 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2026–1849.
- *NRC's Agencywide Documents Access and Management System*

(ADAMS): You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). Draft NUREG–1220, Revision 2, "Training Review Criteria and Procedures" is available in ADAMS under Accession No. ML26195A017.

- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

###### B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC–2026–1849 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

##### II. Discussion

Draft NUREG–1220, Revision 2, proposes updated structured guidance for the NRC staff to review, approve, and inspect SAT programs for nuclear power plant personnel across large light-water reactors (LWRs), advanced reactors (including non-LWRs and stationary microreactors), and small modular LWRs. The guidance applies to initial training program submissions

under part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), “Domestic Licensing of Production and Utilization Facilities,” (construction permits and operating licenses) and 10 CFR part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants,” (combined licenses) and is also relevant to applicants for design certifications or standard design approvals that submit topical reports. It supplements NUREG-0800, “Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,” Chapter 13, “Conduct of Operations,” and supports compliance with 10 CFR 50.120 and 10 CFR part 55, “Operators’ Licenses,” (including 10 CFR 55.31 and definitions in 10 CFR 55.4). For existing LWR programs accredited by the Institute of Nuclear Power Operations, inspections rely on NRC Inspection Procedure 41500, “Training and Qualification Effectiveness” and focus on performance outcomes rather than imposing additional requirements; consistent with prior Commission statements, the guidance does not seek to add requirements or to mandate additional job and task analyses.

Draft NUREG-1220, Revision 2, clarifies the NRC staff’s review and inspection approach using both comprehensive programmatic reviews and focused “vertical slice” reviews that trace a topic end-to-end through the SAT phases—analysis, design, development, implementation, and evaluation—to verify systematic linkage and program validity. It underscores that SAT is performance-based and that each phase must produce traceable, quality-assured products (e.g., actionable task lists; condition–action–standard learning objectives; leveled, defensible evaluation instruments; detailed lesson and simulator guides; secure, independent exams; remediation protocols). Recognizing the scalability and flexibility needed for advanced and microreactors, the guidance anticipates organizational structures that differ from conventional LWR programs. In such cases, applicants are expected to describe how regulatory role functions are fulfilled and to justify systematic training aligned to job and task analyses, including human factors engineering and cognitive task analysis to capture supervisory control and automation-related knowledge, skills, and abilities. The evaluation phase is emphasized as continuous, drawing on formative, summative, and confirmative methods—as well as operating experience, corrective action program inputs, inspection results, design/procedure

changes, and regulatory/industry developments—to identify issues and implement corrective actions commensurate with significance. Overall, the draft aims to ensure clarity, relevance, and accuracy in training programs, so they reliably produce qualified personnel and demonstrable performance consistent with safety and regulatory requirements, while providing predictable, transparent expectations for applicants and licensees.

*Authority:* 42 U.S.C. 2011 *et seq.*

Dated: July 17, 2026.

For the Nuclear Regulatory Commission.

**Michael Wentzel,**

*Chief, Advanced Reactor Programs Branch,  
Division of Advanced Reactor Programs,  
Office of Advanced Reactors.*

[FR Doc. 2026-14702 Filed 7-21-26; 8:45 am]

**BILLING CODE 7590-01-P**

## OFFICE OF PERSONNEL MANAGEMENT

### Submission for Re-Instatement: 3206–0187, We Need Information About Your Missing Payment, RI 38–31

**AGENCY:** Office of Personnel Management.

**ACTION:** 60-Day notice and request for comments.

**SUMMARY:** Retirement Services offers the general public and other federal agencies the opportunity to comment on the reinstatement of an expired information collection request (ICR), We Need Information About Your Missing Payment, RI 38–31.

**DATES:** Comments are encouraged and will be accepted until September 21, 2026.

**ADDRESSES:** You may submit comments on the Federal Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

#### FOR FURTHER INFORMATION CONTACT:

Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–BD, Washington, DC 20415, Attention: Cyrus S. Benson sent via electronic mail to: [RSPublicationsTeam@opm.gov](mailto:RSPublicationsTeam@opm.gov).

**SUPPLEMENTARY INFORMATION:** The Office of Personnel Management, in

accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the public with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Agency assess the impact of its information collection requirements and minimize the public’s reporting burden. It also helps the public understand the Agency’s information collection requirements and provide the requested data in the desired format. OPM is soliciting comments on the proposed information collection request (ICR) that is described below. The Agency is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Agency; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Agency enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Agency minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

RI 38–31 is sent in response to a notification by an individual of the loss or non-receipt of a payment from the Civil Service Retirement and Disability Fund. The form requests the information needed to enable OPM to trace and/or reissue payment. Missing payments may also be reported to OPM by a telephone call.

#### Analysis

*Agency:* Office of Personnel Management, Retirement Services.

*Title:* We Need Information about Your Missing Payment.

*OMB Number:* 3206–0187.

*Frequency:* On occasion.

*Affected Public:* Individuals or Households.

*Number of Respondents:* 8,000.

*Estimated Time Per Respondent:* 10 minutes.

*Total Burden Hours:* 1,333.

Office of Personnel Management.

**Alexys F. Stanley,**

*Federal Register Liaison.*

[FR Doc. 2026-14774 Filed 7-21-26; 8:45 am]

**BILLING CODE 6325-38-P**

**POSTAL REGULATORY COMMISSION**

[Docket Nos. MC2026–310 and K2026–306; MC2026–313 and K2026–309; MC2026–314 and K2026–310; MC2026–315 and K2026–311; MC2026–316 and K2026–312]

**New Postal Products**

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* July 27, 2026.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202–789–6820.

**SUPPLEMENTARY INFORMATION:****Table of Contents**

- I. Introduction
- II. Public Proceeding(s)
- III. Summary Proceeding(s)

**I. Introduction**

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.<sup>1</sup>

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title

of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

**II. Public Proceeding(s)**

1. *Docket No(s).*: MC2026–310 and K2026–306; *Filing Title:* USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 118 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 17, 2026; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* July 27, 2026.

2. *Docket No(s).*: MC2026–316 and K2026–312; *Filing Title:* USPS Request

to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1503 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 17, 2026; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Christopher Mohr; *Comments Due:* July 27, 2026.

**III. Summary Proceeding(s)**

1. *Docket No(s).*: MC2026–313 and K2026–309; *Filing Title:* USPS Request to Add New Mid-Market Standardized Distinct Product, PM–GA Contract 1046, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 17, 2026; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

2. *Docket No(s).*: MC2026–314 and K2026–310; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1047, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 17, 2026; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

3. *Docket No(s).*: MC2026–315 and K2026–311; *Filing Title:* USPS Request to Add New Mid-Market Standardized Distinct Product, PM–GA Contract 1048, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 17, 2026; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

This Notice will be published in the **Federal Register**.

**Danielle LeFlore,**

*Legal Assistant.*

[FR Doc. 2026–14773 Filed 7–21–26; 8:45 am]

**BILLING CODE 7710–FW–P**

**POSTAL SERVICE**

**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage Negotiated Service Agreements; Priority Mail, and USPS Ground Advantage Negotiated Service Agreements**

**AGENCY:** Postal Service.

**ACTION:** Notice.

**SUMMARY:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

**DATES:** *Date of required notice:* July 22, 2026.

<sup>1</sup> See Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

**FOR FURTHER INFORMATION CONTACT:**  
Sean C. Robinson, 202–268–8405.

**SUPPLEMENTARY INFORMATION:** The United States Postal Service hereby gives notice that, pursuant to 39 U.S.C.

3642 and 3632(b)(3), it filed with the Postal Regulatory Commission the following requests:

| Date filed with Postal Regulatory Commission | Negotiated service agreement product category and No. | MC docket No.    | K docket No. |
|----------------------------------------------|-------------------------------------------------------|------------------|--------------|
| 07/13/26 .....                               | PM–GA 1036 .....                                      | MC2026–302 ..... | K2026–298    |
| 07/13/26 .....                               | PM–GA 1037 .....                                      | MC2026–303 ..... | K2026–299    |
| 07/13/26 .....                               | PM–GA 1038 .....                                      | MC2026–304 ..... | K2026–300    |
| 07/14/26 .....                               | PM–GA 1039 .....                                      | MC2026–305 ..... | K2026–301    |
| 07/15/26 .....                               | PM–GA 1040 .....                                      | MC2026–306 ..... | K2026–302    |
| 07/15/26 .....                               | PM–GA 1041 .....                                      | MC2026–307 ..... | K2026–303    |
| 07/15/26 .....                               | PM–GA 1042 .....                                      | MC2026–308 ..... | K2026–304    |
| 07/15/26 .....                               | PM–GA 1043 .....                                      | MC2026–309 ..... | K2026–305    |
| 07/15/26 .....                               | PM–GA 1044 .....                                      | MC2026–311 ..... | K2026–307    |
| 07/16/26 .....                               | PM–GA 1045 .....                                      | MC2026–312 ..... | K2026–308    |
| 07/17/26 .....                               | PM–GA 1046 .....                                      | MC2026–313 ..... | K2026–309    |
| 07/17/26 .....                               | PM–GA 1047 .....                                      | MC2026–314 ..... | K2026–310    |
| 07/17/26 .....                               | PM–GA 1048 .....                                      | MC2026–315 ..... | K2026–311    |
| 07/17/26 .....                               | PME–PM–GA 1503 .....                                  | MC2026–316 ..... | K2026–312    |

Documents are available at [www.prc.gov](http://www.prc.gov).

**Sean C. Robinson,**  
*Attorney, Corporate and Postal Business Law.*  
[FR Doc. 2026–14727 Filed 7–21–26; 8:45 am]  
**BILLING CODE 7710–12–P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34–105942; File No. SR–ISE–2026–40]

**Self-Regulatory Organizations; Nasdaq ISE LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule General 8 Regarding Intrafirm Cabinet Connectivity**

July 17, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on July 9, 2026, Nasdaq ISE, LLC (“ISE” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to amend Rule General 8, Section 1(b) to expressly list non-contiguous intrafirm cabinet connectivity as a subset of Fiber connectivity under Rule General 8,

Section 1(b), and amend the fees applicable to that service, as described below.

The text of the proposed rule change is available on the Exchange’s website at <https://listingcenter.nasdaq.com/rulebook/ise/rulefilings>, and at the principal office of the Exchange.

**II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose
- The Exchange proposes to amend Rule General 8, Section 1 to expressly list non-contiguous intrafirm cabinet connectivity as a subset of Fiber<sup>3</sup> connectivity under Rule General 8, Section 1(b), and amend the fees applicable to such service, as described below.
- Background—Intrafirm Cabinet Connectivity Service**
- The Exchange offers *non-contiguous* intrafirm cabinet connectivity services consisting of cross connections linking

a customer’s cabinet to another non-contiguous or non-adjacent<sup>4</sup> cabinet, where all such cabinets are licensed to the same customer. By contrast, cabling between contiguous or adjacent cabinets licensed to the same customer, where the connection does not traverse shared data center space, is generally customer-directed and is not offered by the Exchange as a standalone connectivity service.

With respect to *non-contiguous* intrafirm cabinet connectivity, today customers can order such services as a standard Fiber connection under Rule General 8, Section 1(b) for an installation fee of \$550 and no ongoing monthly fee. Alternatively, customers can choose a custom installation for an installation-specific price as provided in the Custom Installation provision under Rule General 8, Section 1(d).

With respect to contiguous cabling between adjacent cabinets licensed to the same customer, the cabling arrangement is generally customer-directed and may be implemented by the customer or by third parties at the customer’s expense. The Exchange does not offer contiguous intrafirm cabinet connectivity as a standalone connectivity service and does not assess a recurring fee for such customer-directed arrangements. If requested by the customer, however, the Exchange

<sup>4</sup> For purposes of this proposal, the Exchange distinguishes between cabling that remains wholly within adjacent customer cabinets and does not traverse shared data center space and cabling that traverses shared data center space. The latter implicates common pathways and Exchange-managed infrastructure and is therefore treated as non-contiguous. The Exchange, however, exercises (and will continue to exercise) supervisory oversight over the relevant data center space and the conditions under which such cabling may be installed, maintained, and accessed, consistent with its responsibility for the operation and integrity of its facilities.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> See Rule General 8, Section 1(b).

may provide installation assistance or furnish cabling on an ancillary basis under the Custom Installation provision of Rule General 8, Section 1(d).

#### Proposed Rule Change

The Exchange now proposes to amend Rule General 8 to expressly list non-contiguous intrafirm cabinet connectivity as a subset of Fiber<sup>5</sup> connectivity under Rule General 8, Section 1(b). To effect this change, the Exchange proposes to amend Rule General 8 to (1) explicitly list “Intrafirm Cabinet Connectivity” as a subset of Fiber connectivity under that subsection; and (2) eliminate the availability of non-contiguous intrafirm cabinet connectivity under Rule General 8, Section 1(d). Thus, as proposed, customers would no longer have the option of selecting intrafirm cabinet connectivity under Rule General 8, Section 1(d).

As discussed above, the availability of non-contiguous intrafirm cabinet connectivity under Rule General 8 is not new. Rather, that service has long been available, whether as a subset of Fiber under Rule General 8, Section 1(b), or as part of the broader Custom Installation offering under Section 1(d) of that Rule. The Exchange now proposes to list that service expressly within the Fiber connectivity provisions of Rule General 8, Section 1(b), thereby providing greater transparency regarding the service’s availability and applicable pricing within the Exchange’s connectivity fee schedule.<sup>6</sup> As noted above, customers would no longer have the option of selecting installation for non-contiguous intrafirm cabinet connectivity under Rule General 8, Section 1(d).

As proposed, non-contiguous intrafirm cabinet connectivity within the Exchange’s data center halls would be administered directly by the Exchange.<sup>7</sup> As part of the Exchange’s

continuing efforts to enhance the integrity of its data center operations and as of approximately the second quarter of 2026, all non-contiguous intrafirm cabinet connectivity will be furnished, monitored, and managed by the Exchange, as discussed below. As proposed, and in connection with the Exchange’s ongoing investments in, and standardization of, its data center connectivity infrastructure, the Exchange will supply, inventory, and audit the fiber used for non-contiguous intrafirm cabinet connectivity within the Exchange’s data center halls. Consistent with that approach, all data center customers seeking non-contiguous intrafirm cabinet connectivity would be required to obtain that connectivity from the Exchange, and third parties would no longer be permitted to provide intrafirm cabinet fiber connectivity within the Exchange’s data center halls.

The proposal would enhance the integrity of the Exchange’s data center systems by reducing dependence on third-party provided intrafirm cabinet fiber within the Exchange’s data center halls and instead placing those connectivity components under Nasdaq’s direct administration. This would provide the Exchange with greater end-to-end oversight of the relevant connectivity infrastructure, including how it is furnished, tracked, audited, and maintained. The Exchange believes that such oversight strengthens controls around the physical environment supporting access and connectivity, improves auditability and troubleshooting, and promotes consistent operational standards across the data center campus.

#### Amended Fees for Intrafirm Cabinet Connectivity

The Exchange next proposes to amend the fees applicable to non-contiguous intrafirm cabinet connectivity. As discussed above, with respect to non-contiguous intrafirm cabinet connectivity, today customers can order such services as a standard Fiber connection under Rule General 8, Section 1(b) for an installation fee of \$550 and no ongoing monthly fee. Alternatively, customers can choose a custom installation for an installation-specific price as provided under the Custom Installation provision under Rule General 8, Section 1(d).

The Exchange now proposes to restructure and amend the fees for such service. Specifically, the Exchange

proposes to charge an ongoing monthly fee of \$385.00 for a single non-contiguous intrafirm cabinet cross-connect. For customers seeking multiple cross-connects, the Exchange would offer bundled monthly pricing of \$450.00 for 6 cross-connects, \$540.00 for 12 cross-connects, \$630.00 for 18 cross-connects, and \$720.00 for 24 cross-connects.<sup>8</sup> The Exchange would not charge an installation fee for the service.<sup>9</sup> As proposed, customers would no longer have the option of ordering such service under Rule General 8, Section 1(d).<sup>10</sup>

The Exchange is proposing no other changes to Rule General 8.

The Exchange believes that the proposed fees are reasonable because they reflect the Exchange’s investment in, and ongoing provision, auditing, administration, and maintenance of, the fiber and related infrastructure necessary to provide non-contiguous

<sup>8</sup> To effectuate these changes, the Exchange proposes to amend Rule General 8, Section 1(b) as follows. First, the Exchange would insert, immediately after the bullet titled “TNO Cross Connect,” a new bullet titled “Intrafirm Cabinet Connectivity.” Second, the Exchange proposes to insert a note designated with a triple asterisk (“\* \* \*”) adjacent to that description, together with its accompanying note text to read as follows: “Applicable only to non-contiguous, same-customer-licensed intrafirm-cabinet connectivity that traverses shared data center space; not applicable to contiguous, same-customer-licensed intrafirm-cabinet connectivity that does not traverse shared data center space.” Third, the Exchange would insert, where the column titled “Installation Fee” intersects the description of the proposed Intrafirm Cabinet Connectivity, the figure “\$0”. Finally, the Exchange would insert, where the column titled “Ongoing Monthly Fee” intersects the description of the proposed service, the various offerings for 1 and up to 24 cross-connects, including their associated fees, as described herein. The Exchange believes these proposed changes are appropriate to reflect that non-contiguous Intrafirm Cabinet connectivity would be expressly identified under Section 1(b) of Rule General 8, as proposed, and to conform Section 1(b) of that Rule accordingly. See proposed Rule General 8.

<sup>9</sup> The Exchange would not charge a separate installation fee because the proposed monthly fees are designed to reflect the Exchange’s ongoing provision, inventorying, monitoring, auditing, and maintenance of the service. The Exchange also believes that bundled pricing is reasonable because non-contiguous intrafirm cabinet cross-connects are generally provisioned in increments of six, allowing the Exchange to provision, inventory, and administer bundled cross-connects more efficiently than separately ordered single cross-connects. As proposed, the Exchange would charge the corresponding proposed fees to established customers only upon implementation of the proposed rule changes. Upon implementation of the proposed changes, new customers would be charged the corresponding proposed fees on an ongoing monthly basis.

<sup>10</sup> To effect this change, the Exchange proposes to insert a footnote (designated with a double asterisk) at the conclusion of Section 1(d) of Rule General 8, to provide that Custom Installation Services are not available for Intra-Firm Cabinet Connectivity under Section 1(b) of Rule General 8. See proposed Rule Section 1(d) of Rule General 8.

<sup>5</sup> See Rule General 8, Section 1(b).

<sup>6</sup> The Exchange notes that, following implementation of the proposed rule change, only that subset of Fiber consisting of contiguous intrafirm connectivity would generally remain customer-directed or provided by third parties. However, Nasdaq would continue to retain supervisory authority over the data center environment as a whole, including the physical areas in which such contiguous intrafirm connectivity is located.

<sup>7</sup> By contrast, the provision of contiguous cabling between adjacent cabinets licensed to the same customer would remain generally customer-directed and would not constitute an Exchange connectivity offering, other than to the extent a customer requests ancillary installation assistance or cabling through the Custom Installation service under Rule General 8, Section 1(d). The Exchange would, however, continue to exercise supervisory oversight over the relevant data center space and the conditions under which such cabling may be

installed, maintained, and accessed, consistent with its responsibility for the operation and integrity of its facilities.

intrafirm cabinet connectivity within the Exchange's data center campus, including the Exchange's responsibility for furnishing, inventorying, monitoring, and maintaining the relevant connectivity infrastructure in a manner consistent with its data center integrity controls.

The Exchange also believes that the proposed fees are reasonable because they compare favorably to the fees charged by another national securities exchange for a similar connectivity offering. As discussed below, the Exchange's proposed monthly fees are lower than those charged by the New York Stock Exchange ("NYSE") at each comparable service level, and the Exchange would not charge any installation fee for the service.<sup>11</sup> The Exchange believes that this comparison provides an objective external benchmark supporting the reasonableness of the proposed fee levels.

Specifically, NYSE offers Data Center Fiber Cross Connect<sup>12</sup> and charges a \$500 initial charge plus a \$600 monthly charge for a single cross-connect. For a bundle of six cross-connects, NYSE charges a \$500 initial charge plus a \$1,800 monthly charge. For a bundle of 12 cross-connects, NYSE charges a \$500 initial charge plus a \$3,000 monthly charge. For a bundle of 18 cross-connects, NYSE charges a \$500 initial installation fee and a \$3,800 monthly charge. For a bundle of 24 cross-connects, NYSE charges a \$500 initial charge plus a \$4,680 monthly charge.

By comparison, the Exchange proposes to charge no installation fee and lower monthly fees at each comparable service level. For a single cross-connect, the Exchange's proposed monthly fee of \$385.00 is \$215.00 lower than NYSE's \$600.00 monthly fee, and the Exchange would not charge NYSE's \$500 initial fee. For a bundle of six cross-connects, the Exchange's proposed monthly fee of \$450.00 is \$1,350.00 lower than NYSE's \$1,800.00 monthly fee, again with no installation fee. For a bundle of 12 cross-connects, the Exchange's proposed monthly fee of \$540.00 is \$2,460.00 lower than NYSE's \$3,000.00 monthly fee, also with no installation fee. For a bundle of 18 cross-connects, the Exchange's proposed monthly fee of \$630 is \$3,170 lower than NYSE's \$3,800.00 monthly fee. For

a bundle of 24 cross-connects, the Exchange's proposed monthly fee of \$720.00 is \$3,960.00 lower than NYSE's \$4,680.00 monthly fee, likewise with no installation fee. The Exchange believes that this comparison demonstrates that its proposed fees are materially lower than the fees charged by another national securities exchange for a similar connectivity service, thereby supporting the reasonableness of the proposed fee levels.

#### Implementation

The Exchange proposes to implement the proposed changes on or about the second quarter of 2026. The Exchange will announce the specific implementation date via Nasdaq's Customer Portal.

#### 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>13</sup> in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>14</sup> in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among members, issuers, and other persons using Exchange facilities, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's data center connectivity infrastructure supports access to the Exchange and related services, and the Exchange has a legitimate interest in maintaining robust controls over the physical connectivity components within its data center halls. By requiring non-contiguous intrafirm cabinet connectivity to be furnished, inventoried, monitored, audited, and maintained directly by the Exchange, the proposal would enhance the Exchange's ability to maintain consistent operational standards, identify and remediate issues, preserve accurate records of deployed connectivity, and reduce operational risks associated with connectivity infrastructure that is provided or maintained outside the Exchange's direct administration.

Although the proposal would affect the ability of third parties to provide non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls,<sup>15</sup> the Exchange believes that this limitation is justified by the

Exchange's need to maintain oversight of the connectivity infrastructure within its data center environment. The Exchange believes that permitting multiple providers to provide or maintain such infrastructure would reduce the Exchange's ability to apply uniform inventory, maintenance, audit, monitoring, and troubleshooting standards to connectivity components located within its data center halls. Given the role of such infrastructure in supporting access to the Exchange's facilities, the Exchange believes it is appropriate to require that non-contiguous intrafirm cabinet connectivity be provided directly by the Exchange in order to promote consistent operational controls, enhance auditability, and support the integrity and reliability of the Exchange's data center connectivity environment.

The Exchange believes that the proposed fees for non-contiguous intrafirm cabinet connectivity are reasonable because they reflect the Exchange's investment in, and ongoing provision, auditing, administration, and maintenance of, the fiber and related infrastructure necessary to provide that connectivity within the Exchange's data center campus. As discussed above, the Exchange is standardizing and directly administering this connectivity service as part of its broader efforts to enhance the integrity, consistency, and oversight of its data center infrastructure.

The Exchange also believes that the proposed bundled pricing is reasonable and equitably allocated because non-contiguous intrafirm cabinet cross-connects are generally provisioned in increments of six. Accordingly, the bundled rates reflect the operational efficiencies associated with provisioning, inventorying, monitoring, auditing, and maintaining multiple cross-connects as a set rather than as separately ordered single cross-connects. The bundled options would be available to all similarly situated customers on equal terms, and customers that require only a single cross-connect could continue to purchase the service at the single-cross-connect rate.

The Exchange also believes that the proposed fees are reasonable because they compare favorably to the fees charged by another national securities exchange for a similar connectivity offering. As discussed above, NYSE charges a \$500 initial fee plus a \$600 monthly fee for a single Data Center Fiber Cross Connect, as well as substantially higher monthly fees for bundled options, whereas the Exchange would charge no installation fee and lower monthly fees at each comparable

<sup>11</sup> To the best of the Exchange's knowledge, the NYSE service discussed herein is comparable in all material respects to the service proposed herein.

<sup>12</sup> See New York Stock Exchange LLC, *Connectivity Fee Schedule* (Mar. 27, 2026) (setting forth fees for Data Center Fiber Cross Connect), available at [https://www.nyse.com/publicdocs/nyse/Wireless\\_Connectivity\\_Fees\\_and\\_Charges.pdf](https://www.nyse.com/publicdocs/nyse/Wireless_Connectivity_Fees_and_Charges.pdf).

<sup>13</sup> 15 U.S.C. 78f(b).

<sup>14</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>15</sup> The Exchange notes that, as proposed, third parties would not be precluded from offering installation services for the proposed offering. The fiber connectivity itself, however, would be furnished inventoried, monitored, audited, and maintained directly by the Exchange.

service level. The Exchange believes that NYSE's pricing for a similar connectivity offering provides a useful external benchmark supporting the conclusion that the proposed fees are reasonable.

The Exchange further believes that the proposed fees represent an equitable allocation of reasonable fees and are not unfairly discriminatory because they would apply uniformly to all similarly situated customers that obtain non-contiguous intrafirm cabinet connectivity. As discussed above, all Exchange data center customers seeking non-contiguous intrafirm cabinet connectivity services would have to obtain such service directly from the Exchange. Thus, all customers seeking that service would be subject to the same fee schedule, and each bundled option would be available on equal terms to any customer that elects the relevant service level. To the extent the proposal provides different pricing based on the number of cross-connects purchased, that distinction is based solely on volume and would apply equally to all customers.

The Exchange also believes that the proposal to identify non-contiguous intrafirm cabinet connectivity expressly within Rule General 8, Section 1(b) is consistent with the Act because it would make the Exchange's fee schedule clearer and more transparent by expressly listing a service that has long been available as part of the Exchange's connectivity offerings. The proposal would thus make the schedule more informative for customers seeking connectivity services within the Exchange's data center campus.

Finally, the Exchange does not believe that the proposal is designed to permit unfair discrimination because the service is offered to customers that require connectivity between their own cabinets within the Exchange's data center campus, and the proposed fees would apply uniformly to all such customers. Customers that do not require the service would not be charged the fee, and customers that do require the service would be charged on the same terms.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed fees would apply uniformly to all customers that request non-contiguous intrafirm cabinet connectivity. The Exchange recognizes that, under the proposal, customers

seeking non-contiguous intrafirm cabinet connectivity within the Exchange's data center halls would be required to obtain that fiber connectivity from Nasdaq, and third parties would no longer be permitted to provide such non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls. The Exchange believes that any resulting impact on competition is necessary and appropriate in furtherance of the purposes of the Act because the requirement is designed to support a standardized, centrally administered, monitored, and auditable connectivity environment within the Exchange's data center campus. The Exchange believes that administering this connectivity directly would improve its ability to inventory, maintain, troubleshoot, and monitor the relevant fiber infrastructure, thereby promoting reliability and operational integrity.

The Exchange recognizes that the proposal may affect competition among providers of intrafirm cabinet connectivity because third parties would no longer be permitted to provide non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls. The Exchange believes, however, that any such burden is necessary and appropriate in furtherance of the purposes of the Act because the limitation is directly tied to the Exchange's responsibility to maintain the integrity, reliability, and auditability of the physical connectivity infrastructure within its data center environment. Non-contiguous intrafirm cabinet connectivity traverses shared data center space and forms part of the physical infrastructure supporting access and connectivity within the Exchange's facilities.<sup>16</sup> The Exchange believes that permitting such connectivity to be furnished or maintained by multiple third parties would impair the Exchange's ability to apply uniform standards for provisioning, inventory control, maintenance, monitoring, troubleshooting, and auditability.

The Exchange also does not believe that the proposed fees would impose an

<sup>16</sup> The Exchange also believes that the proposal is appropriately tailored because it applies only to non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls. It does not restrict customer-directed contiguous cabling between adjacent cabinets licensed to the same customer where such cabling does not traverse shared data center space, nor does it affect services outside the scope of the proposed rule change. Accordingly, any burden on third-party providers is limited to the specific connectivity arrangement for which the Exchange has determined that direct administration is necessary to support consistent controls and operational integrity within its data center environment.

undue burden on competition among customers because the fees would apply on an equal basis to all similarly situated customers and are lower than fees charged by NYSE for a comparable connectivity offering. The Exchange believes that the proposed service is substantively comparable to the NYSE offering used for comparison purposes and therefore believes that the comparison supports the conclusion that the proposed fee levels are within a reasonable range and are not unduly burdensome for customers that purchase the service.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>17</sup> At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-ISE-2026-40 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-ISE-2026-40. This file

<sup>17</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-ISE-2026-40 and should be submitted on or before August 12, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>18</sup>

**Sherry R. Haywood,**  
Assistant Secretary.

[FR Doc. 2026-14749 Filed 7-21-26; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-105941; File No. SR-MRX-2026-31]

### Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule General 8 Regarding Intrafirm Cabinet Connectivity

July 17, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on July 10, 2026, Nasdaq MRX, LLC ("MRX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule General 8, Section 1(b) to expressly list non-contiguous intrafirm cabinet connectivity as a subset of Fiber

connectivity under Rule General 8, Section 1(b), and amend the fees applicable to that service, as described below.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/mrx/rulefilings>, and at the principal office of the Exchange.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange proposes to amend Rule General 8, Section 1 to expressly list non-contiguous intrafirm cabinet connectivity as a subset of Fiber<sup>3</sup> connectivity under Rule General 8, Section 1(b), and amend the fees applicable to such service, as described below.

###### Background—Intrafirm Cabinet Connectivity Service

The Exchange offers *non-contiguous* intrafirm cabinet connectivity services consisting of cross connections linking a customer's cabinet to another non-contiguous or non-adjacent<sup>4</sup> cabinet, where all such cabinets are licensed to the same customer. By contrast, cabling between contiguous or adjacent cabinets licensed to the same customer, where the connection does not traverse shared data center space, is generally customer-directed and is not offered by the

Exchange as a standalone connectivity service.

With respect to *non-contiguous* intrafirm cabinet connectivity, today customers can order such services as a standard Fiber connection under Rule General 8, Section 1(b) for an installation fee of \$550 and no ongoing monthly fee. Alternatively, customers can choose a custom installation for an installation-specific price as provided in the Custom Installation provision under Rule General 8, Section 1(d).

With respect to contiguous cabling between adjacent cabinets licensed to the same customer, the cabling arrangement is generally customer-directed and may be implemented by the customer or by third parties at the customer's expense. The Exchange does not offer contiguous intrafirm cabinet connectivity as a standalone connectivity service and does not assess a recurring fee for such customer-directed arrangements. If requested by the customer, however, the Exchange may provide installation assistance or furnish cabling on an ancillary basis under the Custom Installation provision of Rule General 8, Section 1(d).

###### Proposed Rule Change

The Exchange now proposes to amend Rule General 8 to expressly list non-contiguous intrafirm cabinet connectivity as a subset of Fiber<sup>5</sup> connectivity under Rule General 8, Section 1(b). To effect this change, the Exchange proposes to amend Rule General 8 to (1) explicitly list "Intrafirm Cabinet Connectivity" as a subset of Fiber connectivity under that subsection; and (2) eliminate the availability of non-contiguous intrafirm cabinet connectivity under Rule General 8, Section 1(d). Thus, as proposed, customers would no longer have the option of selecting intrafirm cabinet connectivity under Rule General 8, Section 1(d).

As discussed above, the availability of non-contiguous intrafirm cabinet connectivity under Rule General 8 is not new. Rather, that service has long been available, whether as a subset of Fiber under Rule General 8, Section 1(b), or as part of the broader Custom Installation offering under Section 1(d) of that Rule. The Exchange now proposes to list that service expressly within the Fiber connectivity provisions of Rule General 8, Section 1(b), thereby providing greater transparency regarding the service's availability and applicable pricing within the Exchange's

<sup>3</sup> See Rule General 8, Section 1(b).

<sup>4</sup> For purposes of this proposal, the Exchange distinguishes between cabling that remains wholly within adjacent customer cabinets and does not traverse shared data center space and cabling that traverses shared data center space. The latter implicates common pathways and Exchange-managed infrastructure and is therefore treated as non-contiguous. The Exchange, however, exercises (and will continue to exercise) supervisory oversight over the relevant data center space and the conditions under which such cabling may be installed, maintained, and accessed, consistent with its responsibility for the operation and integrity of its facilities.

<sup>5</sup> See Rule General 8, Section 1(b).

<sup>18</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

connectivity fee schedule.<sup>6</sup> As noted above, customers would no longer have the option of selecting installation for non-contiguous intrafirm cabinet connectivity under Rule General 8, Section 1(d).

As proposed, non-contiguous intrafirm cabinet connectivity within the Exchange's data center halls would be administered directly by the Exchange.<sup>7</sup> As part of the Exchange's continuing efforts to enhance the integrity of its data center operations and as of approximately the second quarter of 2026, all non-contiguous intrafirm cabinet connectivity will be furnished, monitored, and managed by the Exchange, as discussed below. As proposed, and in connection with the Exchange's ongoing investments in, and standardization of, its data center connectivity infrastructure, the Exchange will supply, inventory, and audit the fiber used for non-contiguous intrafirm cabinet connectivity within the Exchange's data center halls. Consistent with that approach, all data center customers seeking non-contiguous intrafirm cabinet connectivity would be required to obtain that connectivity from the Exchange, and third parties would no longer be permitted to provide intrafirm cabinet fiber connectivity within the Exchange's data center halls.

The proposal would enhance the integrity of the Exchange's data center systems by reducing dependence on third-party provided intrafirm cabinet fiber within the Exchange's data center halls and instead placing those connectivity components under Nasdaq's direct administration. This would provide the Exchange with greater end-to-end oversight of the relevant connectivity infrastructure, including how it is furnished, tracked, audited, and maintained. The Exchange

believes that such oversight strengthens controls around the physical environment supporting access and connectivity, improves auditability and troubleshooting, and promotes consistent operational standards across the data center campus.

#### Amended Fees for Intrafirm Cabinet Connectivity

The Exchange next proposes to amend the fees applicable to non-contiguous intrafirm cabinet connectivity. As discussed above, with respect to non-contiguous intrafirm cabinet connectivity, today customers can order such services as a standard Fiber connection under Rule General 8, Section 1(b) for an installation fee of \$550 and no ongoing monthly fee. Alternatively, customers can choose a custom installation for an installation-specific price as provided under the Custom Installation provision under Rule General 8, Section 1(d).

The Exchange now proposes to restructure and amend the fees for such service. Specifically, the Exchange proposes to charge an ongoing monthly fee of \$385.00 for a single non-contiguous intrafirm cabinet cross-connect. For customers seeking multiple cross-connects, the Exchange would offer bundled monthly pricing of \$450.00 for 6 cross-connects, \$540.00 for 12 cross-connects, \$630.00 for 18 cross-connects, and \$720.00 for 24 cross-connects.<sup>8</sup> The Exchange would not charge an installation fee for the service.<sup>9</sup> As proposed, customers would

no longer have the option of ordering such service under Rule General 8, Section 1(d).<sup>10</sup>

The Exchange is proposing no other changes to Rule General 8.

The Exchange believes that the proposed fees are reasonable because they reflect the Exchange's investment in, and ongoing provision, auditing, administration, and maintenance of, the fiber and related infrastructure necessary to provide non-contiguous intrafirm cabinet connectivity within the Exchange's data center campus, including the Exchange's responsibility for furnishing, inventorying, monitoring, and maintaining the relevant connectivity infrastructure in a manner consistent with its data center integrity controls.

The Exchange also believes that the proposed fees are reasonable because they compare favorably to the fees charged by another national securities exchange for a similar connectivity offering. As discussed below, the Exchange's proposed monthly fees are lower than those charged by the New York Stock Exchange ("NYSE") at each comparable service level, and the Exchange would not charge any installation fee for the service.<sup>11</sup> The Exchange believes that this comparison provides an objective external benchmark supporting the reasonableness of the proposed fee levels.

Specifically, NYSE offers Data Center Fiber Cross Connect<sup>12</sup> and charges a \$500 initial charge plus a \$600 monthly charge for a single cross-connect. For a bundle of six cross-connects, NYSE charges a \$500 initial charge plus a \$1,800 monthly charge. For a bundle of 12 cross-connects, NYSE charges a \$500

believes that bundled pricing is reasonable because non-contiguous intrafirm cabinet cross-connects are generally provisioned in increments of six, allowing the Exchange to provision, inventory, and administer bundled cross-connects more efficiently than separately ordered single cross-connects. As proposed, the Exchange would charge the corresponding proposed fees to established customers only upon implementation of the proposed rule changes. Upon implementation of the proposed changes, new customers would be charged the corresponding proposed fees on an ongoing monthly basis.

<sup>10</sup> To effect this change, the Exchange proposes to insert a footnote (designated with a double asterisk) at the conclusion of Section 1(d) of Rule General 8, to provide that Custom Installation Services are not available for Intra-Firm Cabinet Connectivity under Section 1(b) of Rule General 8. See proposed Rule Section 1(d) of Rule General 8.

<sup>11</sup> To the best of the Exchange's knowledge, the NYSE service discussed herein is comparable in all material respects to the service proposed herein.

<sup>12</sup> See New York Stock Exchange LLC, *Connectivity Fee Schedule* (Mar. 27, 2026) (setting forth fees for Data Center Fiber Cross Connect), available at [https://www.nyse.com/publicdocs/nyse/Wireless\\_Connectivity\\_Fees\\_and\\_Charges.pdf](https://www.nyse.com/publicdocs/nyse/Wireless_Connectivity_Fees_and_Charges.pdf).

<sup>6</sup> The Exchange notes that, following implementation of the proposed rule change, only that subset of Fiber consisting of contiguous intrafirm connectivity would generally remain customer-directed or provided by third parties. However, Nasdaq would continue to retain supervisory authority over the data center environment as a whole, including the physical areas in which such contiguous intrafirm connectivity is located.

<sup>7</sup> By contrast, the provision of contiguous cabling between adjacent cabinets licensed to the same customer would remain generally customer-directed and would not constitute an Exchange connectivity offering, other than to the extent a customer requests ancillary installation assistance or cabling through the Custom Installation service under Rule General 8, Section 1(d). The Exchange would, however, continue to exercise supervisory oversight over the relevant data center space and the conditions under which such cabling may be installed, maintained, and accessed, consistent with its responsibility for the operation and integrity of its facilities.

<sup>8</sup> To effectuate these changes, the Exchange proposes to amend Rule General 8, Section 1(b) as follows. First, the Exchange would insert, immediately after the bullet titled "TNO Cross Connect," a new bullet titled "Intrafirm Cabinet Connectivity." Second, the Exchange proposes to insert a note designated with a triple asterisk ("\* \* \*") adjacent to that description, together with its accompanying note text to read as follows: "Applicable only to non-contiguous, same-customer-licensed intrafirm-cabinet connectivity that traverses shared data center space; not applicable to contiguous, same-customer-licensed intrafirm-cabinet connectivity that does not traverse shared data center space." Third, the Exchange would insert, where the column titled "Installation Fee" intersects the description of the proposed Intrafirm Cabinet Connectivity, the figure "\$0". Finally, the Exchange would insert, where the column titled "Ongoing Monthly Fee" intersects the description of the proposed service, the various offerings for 1 and up to 24 cross-connects, including their associated fees, as described herein. The Exchange believes these proposed changes are appropriate to reflect that non-contiguous Intrafirm Cabinet connectivity would be expressly identified under Section 1(b) of Rule General 8, as proposed, and to conform Section 1(b) of that Rule accordingly. See proposed Rule General 8.

<sup>9</sup> The Exchange would not charge a separate installation fee because the proposed monthly fees are designed to reflect the Exchange's ongoing provision, inventorying, monitoring, auditing, and maintenance of the service. The Exchange also

initial charge plus a \$3,000 monthly charge. For a bundle of 18 cross-connects, NYSE charges a \$500 initial installation fee and a \$3,800 monthly charge. For a bundle of 24 cross-connects, NYSE charges a \$500 initial charge plus a \$4,680 monthly charge.

By comparison, the Exchange proposes to charge no installation fee and lower monthly fees at each comparable service level. For a single cross-connect, the Exchange's proposed monthly fee of \$385.00 is \$215.00 lower than NYSE's \$600.00 monthly fee, and the Exchange would not charge NYSE's \$500 initial fee. For a bundle of six cross-connects, the Exchange's proposed monthly fee of \$450.00 is \$1,350.00 lower than NYSE's \$1,800.00 monthly fee, again with no installation fee. For a bundle of 12 cross-connects, the Exchange's proposed monthly fee of \$540.00 is \$2,460.00 lower than NYSE's \$3,000.00 monthly fee, also with no installation fee. For a bundle of 18 cross-connects, the Exchange's proposed monthly fee of \$630 is \$3,170 lower than NYSE's \$3,800.00 monthly fee. For a bundle of 24 cross-connects, the Exchange's proposed monthly fee of \$720.00 is \$3,960.00 lower than NYSE's \$4,680.00 monthly fee, likewise with no installation fee. The Exchange believes that this comparison demonstrates that its proposed fees are materially lower than the fees charged by another national securities exchange for a similar connectivity service, thereby supporting the reasonableness of the proposed fee levels.

#### Implementation

The Exchange proposes to implement the proposed changes on or about the second quarter of 2026. The Exchange will announce the specific implementation date via Nasdaq's Customer Portal.

#### 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>13</sup> in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>14</sup> in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among members, issuers, and other persons using Exchange facilities, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's data center connectivity infrastructure supports access to the Exchange and related services, and the Exchange has a

legitimate interest in maintaining robust controls over the physical connectivity components within its data center halls. By requiring non-contiguous intrafirm cabinet connectivity to be furnished, inventoried, monitored, audited, and maintained directly by the Exchange, the proposal would enhance the Exchange's ability to maintain consistent operational standards, identify and remediate issues, preserve accurate records of deployed connectivity, and reduce operational risks associated with connectivity infrastructure that is provided or maintained outside the Exchange's direct administration.

Although the proposal would affect the ability of third parties to provide non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls,<sup>15</sup> the Exchange believes that this limitation is justified by the Exchange's need to maintain oversight of the connectivity infrastructure within its data center environment. The Exchange believes that permitting multiple providers to provide or maintain such infrastructure would reduce the Exchange's ability to apply uniform inventory, maintenance, audit, monitoring, and troubleshooting standards to connectivity components located within its data center halls. Given the role of such infrastructure in supporting access to the Exchange's facilities, the Exchange believes it is appropriate to require that non-contiguous intrafirm cabinet connectivity be provided directly by the Exchange in order to promote consistent operational controls, enhance auditability, and support the integrity and reliability of the Exchange's data center connectivity environment.

The Exchange believes that the proposed fees for non-contiguous intrafirm cabinet connectivity are reasonable because they reflect the Exchange's investment in, and ongoing provision, auditing, administration, and maintenance of, the fiber and related infrastructure necessary to provide that connectivity within the Exchange's data center campus. As discussed above, the Exchange is standardizing and directly administering this connectivity service as part of its broader efforts to enhance the integrity, consistency, and oversight of its data center infrastructure.

The Exchange also believes that the proposed bundled pricing is reasonable and equitably allocated because non-

contiguous intrafirm cabinet cross-connects are generally provisioned in increments of six. Accordingly, the bundled rates reflect the operational efficiencies associated with provisioning, inventorying, monitoring, auditing, and maintaining multiple cross-connects as a set rather than as separately ordered single cross-connects. The bundled options would be available to all similarly situated customers on equal terms, and customers that require only a single cross-connect could continue to purchase the service at the single-cross-connect rate.

The Exchange also believes that the proposed fees are reasonable because they compare favorably to the fees charged by another national securities exchange for a similar connectivity offering. As discussed above, NYSE charges a \$500 initial fee plus a \$600 monthly fee for a single Data Center Fiber Cross Connect, as well as substantially higher monthly fees for bundled options, whereas the Exchange would charge no installation fee and lower monthly fees at each comparable service level. The Exchange believes that NYSE's pricing for a similar connectivity offering provides a useful external benchmark supporting the conclusion that the proposed fees are reasonable.

The Exchange further believes that the proposed fees represent an equitable allocation of reasonable fees and are not unfairly discriminatory because they would apply uniformly to all similarly situated customers that obtain non-contiguous intrafirm cabinet connectivity. As discussed above, all Exchange data center customers seeking non-contiguous intrafirm cabinet connectivity services would have to obtain such service directly from the Exchange. Thus, all customers seeking that service would be subject to the same fee schedule, and each bundled option would be available on equal terms to any customer that elects the relevant service level. To the extent the proposal provides different pricing based on the number of cross-connects purchased, that distinction is based solely on volume and would apply equally to all customers.

The Exchange also believes that the proposal to identify non-contiguous intrafirm cabinet connectivity expressly within Rule General 8, Section 1(b) is consistent with the Act because it would make the Exchange's fee schedule clearer and more transparent by expressly listing a service that has long been available as part of the Exchange's connectivity offerings. The proposal would thus make the schedule

<sup>13</sup> 15 U.S.C. 78f(b).

<sup>14</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>15</sup> The Exchange notes that, as proposed, third parties would not be precluded from offering installation services for the proposed offering. The fiber connectivity itself, however, would be furnished inventoried, monitored, audited, and maintained directly by the Exchange.

more informative for customers seeking connectivity services within the Exchange's data center campus.

Finally, the Exchange does not believe that the proposal is designed to permit unfair discrimination because the service is offered to customers that require connectivity between their own cabinets within the Exchange's data center campus, and the proposed fees would apply uniformly to all such customers. Customers that do not require the service would not be charged the fee, and customers that do require the service would be charged on the same terms.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed fees would apply uniformly to all customers that request non-contiguous intrafirm cabinet connectivity. The Exchange recognizes that, under the proposal, customers seeking non-contiguous intrafirm cabinet connectivity within the Exchange's data center halls would be required to obtain that fiber connectivity from Nasdaq, and third parties would no longer be permitted to provide such non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls. The Exchange believes that any resulting impact on competition is necessary and appropriate in furtherance of the purposes of the Act because the requirement is designed to support a standardized, centrally administered, monitored, and auditable connectivity environment within the Exchange's data center campus. The Exchange believes that administering this connectivity directly would improve its ability to inventory, maintain, troubleshoot, and monitor the relevant fiber infrastructure, thereby promoting reliability and operational integrity.

The Exchange recognizes that the proposal may affect competition among providers of intrafirm cabinet connectivity because third parties would no longer be permitted to provide non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls. The Exchange believes, however, that any such burden is necessary and appropriate in furtherance of the purposes of the Act because the limitation is directly tied to the Exchange's responsibility to maintain the integrity, reliability, and auditability of the physical connectivity infrastructure within its data center

environment. Non-contiguous intrafirm cabinet connectivity traverses shared data center space and forms part of the physical infrastructure supporting access and connectivity within the Exchange's facilities.<sup>16</sup> The Exchange believes that permitting such connectivity to be furnished or maintained by multiple third parties would impair the Exchange's ability to apply uniform standards for provisioning, inventory control, maintenance, monitoring, troubleshooting, and auditability.

The Exchange also does not believe that the proposed fees would impose an undue burden on competition among customers because the fees would apply on an equal basis to all similarly situated customers and are lower than fees charged by NYSE for a comparable connectivity offering. The Exchange believes that the proposed service is substantively comparable to the NYSE offering used for comparison purposes and therefore believes that the comparison supports the conclusion that the proposed fee levels are within a reasonable range and are not unduly burdensome for customers that purchase the service.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>17</sup> At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the

<sup>16</sup> The Exchange also believes that the proposal is appropriately tailored because it applies only to non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls. It does not restrict customer-directed contiguous cabling between adjacent cabinets licensed to the same customer where such cabling does not traverse shared data center space, nor does it affect services outside the scope of the proposed rule change. Accordingly, any burden on third-party providers is limited to the specific connectivity arrangement for which the Exchange has determined that direct administration is necessary to support consistent controls and operational integrity within its data center environment.

<sup>17</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-MRX-2026-31 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-MRX-2026-31. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-MRX-2026-31 and should be submitted on or before August 12, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>18</sup>

**Sherry R. Haywood,**  
*Assistant Secretary.*

[FR Doc. 2026-14748 Filed 7-21-26; 8:45 am]

**BILLING CODE 8011-01-P**

<sup>18</sup> 17 CFR 200.30-3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105937; File No. SR–NASDAQ–2026–058]

### Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule General 8 Regarding Intrafirm Cabinet Connectivity

July 17, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on July 9, 2026, The Nasdaq Stock Market LLC (“Nasdaq” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule General 8, Section 1(b) to expressly list non-contiguous intrafirm cabinet connectivity as a subset of Fiber connectivity under Rule General 8, Section 1(b), and amend the fees applicable to that service, as described below.

The text of the proposed rule change is available on the Exchange’s website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings>, and at the principal office of the Exchange.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange proposes to amend Rule General 8, Section 1 to expressly list non-contiguous intrafirm cabinet connectivity as a subset of Fiber<sup>3</sup> connectivity under Rule General 8, Section 1(b), and amend the fees applicable to such service, as described below.

##### Background—Intrafirm Cabinet Connectivity Service

The Exchange offers *non-contiguous* intrafirm cabinet connectivity services consisting of cross connections linking a customer’s cabinet to another non-contiguous or non-adjacent<sup>4</sup> cabinet, where all such cabinets are licensed to the same customer. By contrast, cabling between contiguous or adjacent cabinets licensed to the same customer, where the connection does not traverse shared data center space, is generally customer-directed and is not offered by the Exchange as a standalone connectivity service.

With respect to *non-contiguous* intrafirm cabinet connectivity, today customers can order such services as a standard Fiber connection under Rule General 8, Section 1(b) for an installation fee of \$550 and no ongoing monthly fee. Alternatively, customers can choose a custom installation for an installation-specific price as provided in the Custom Installation provision under Rule General 8, Section 1(d).

With respect to contiguous cabling between adjacent cabinets licensed to the same customer, the cabling arrangement is generally customer-directed and may be implemented by the customer or by third parties at the customer’s expense. The Exchange does not offer contiguous intrafirm cabinet connectivity as a standalone connectivity service and does not assess a recurring fee for such customer-directed arrangements. If requested by the customer, however, the Exchange may provide installation assistance or

furnish cabling on an ancillary basis under the Custom Installation provision of Rule General 8, Section 1(d).

##### Proposed Rule Change

The Exchange now proposes to amend Rule General 8 to expressly list non-contiguous intrafirm cabinet connectivity as a subset of Fiber<sup>5</sup> connectivity under Rule General 8, Section 1(b). To effect this change, the Exchange proposes to amend Rule General 8 to (1) explicitly list “Intrafirm Cabinet Connectivity” as a subset of Fiber connectivity under that subsection; and (2) eliminate the availability of non-contiguous intrafirm cabinet connectivity under Rule General 8, Section 1(d). Thus, as proposed, customers would no longer have the option of selecting intrafirm cabinet connectivity under Rule General 8, Section 1(d).

As discussed above, the availability of non-contiguous intrafirm cabinet connectivity under Rule General 8 is not new. Rather, that service has long been available, whether as a subset of Fiber under Rule General 8, Section 1(b), or as part of the broader Custom Installation offering under Section 1(d) of that Rule. The Exchange now proposes to list that service expressly within the Fiber connectivity provisions of Rule General 8, Section 1(b), thereby providing greater transparency regarding the service’s availability and applicable pricing within the Exchange’s connectivity fee schedule.<sup>6</sup> As noted above, customers would no longer have the option of selecting installation for non-contiguous intrafirm cabinet connectivity under Rule General 8, Section 1(d).

As proposed, non-contiguous intrafirm cabinet connectivity within the Exchange’s data center halls would be administered directly by the Exchange.<sup>7</sup> As part of the Exchange’s

<sup>5</sup> See Rule General 8, Section 1(b).

<sup>6</sup> The Exchange notes that, following implementation of the proposed rule change, only that subset of Fiber consisting of contiguous intrafirm connectivity would generally remain customer-directed or provided by third parties. However, Nasdaq would continue to retain supervisory authority over the data center environment as a whole, including the physical areas in which such contiguous intrafirm connectivity is located.

<sup>7</sup> By contrast, the provision of contiguous cabling between adjacent cabinets licensed to the same customer would remain generally customer-directed and would not constitute an Exchange connectivity offering, other than to the extent a customer requests ancillary installation assistance or cabling through the Custom Installation service under Rule General 8, Section 1(d). The Exchange would, however, continue to exercise supervisory oversight over the relevant data center space and the conditions under which such cabling may be installed, maintained, and accessed, consistent with

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Rule General 8, Section 1(b).

<sup>4</sup> For purposes of this proposal, the Exchange distinguishes between cabling that remains wholly within adjacent customer cabinets and does not traverse shared data center space and cabling that traverses shared data center space. The latter implicates common pathways and Exchange-managed infrastructure and is therefore treated as non-contiguous. The Exchange, however, exercises (and will continue to exercise) supervisory oversight over the relevant data center space and the conditions under which such cabling may be installed, maintained, and accessed, consistent with its responsibility for the operation and integrity of its facilities.

continuing efforts to enhance the integrity of its data center operations and as of approximately the second quarter of 2026, all non-contiguous intrafirm cabinet connectivity will be furnished, monitored, and managed by the Exchange, as discussed below. As proposed, and in connection with the Exchange's ongoing investments in, and standardization of, its data center connectivity infrastructure, the Exchange will supply, inventory, and audit the fiber used for non-contiguous intrafirm cabinet connectivity within the Exchange's data center halls. Consistent with that approach, all data center customers seeking non-contiguous intrafirm cabinet connectivity would be required to obtain that connectivity from the Exchange, and third parties would no longer be permitted to provide intrafirm cabinet fiber connectivity within the Exchange's data center halls.

The proposal would enhance the integrity of the Exchange's data center systems by reducing dependence on third-party provided intrafirm cabinet fiber within the Exchange's data center halls and instead placing those connectivity components under Nasdaq's direct administration. This would provide the Exchange with greater end-to-end oversight of the relevant connectivity infrastructure, including how it is furnished, tracked, audited, and maintained. The Exchange believes that such oversight strengthens controls around the physical environment supporting access and connectivity, improves auditability and troubleshooting, and promotes consistent operational standards across the data center campus.

#### Amended Fees for Intrafirm Cabinet Connectivity

The Exchange next proposes to amend the fees applicable to non-contiguous intrafirm cabinet connectivity. As discussed above, with respect to non-contiguous intrafirm cabinet connectivity, today customers can order such services as a standard Fiber connection under Rule General 8, Section 1(b) for an installation fee of \$550 and no ongoing monthly fee. Alternatively, customers can choose a custom installation for an installation-specific price as provided under the Custom Installation provision under Rule General 8, Section 1(d).

The Exchange now proposes to restructure and amend the fees for such service. Specifically, the Exchange proposes to charge an ongoing monthly

fee of \$385.00 for a single non-contiguous intrafirm cabinet cross-connect. For customers seeking multiple cross-connects, the Exchange would offer bundled monthly pricing of \$450.00 for 6 cross-connects, \$540.00 for 12 cross-connects, \$630.00 for 18 cross-connects, and \$720.00 for 24 cross-connects.<sup>8</sup> The Exchange would not charge an installation fee for the service.<sup>9</sup> As proposed, customers would no longer have the option of ordering such service under Rule General 8, Section 1(d).<sup>10</sup>

The Exchange is proposing no other changes to Rule General 8.

The Exchange believes that the proposed fees are reasonable because they reflect the Exchange's investment in, and ongoing provision, auditing, administration, and maintenance of, the fiber and related infrastructure necessary to provide non-contiguous intrafirm cabinet connectivity within

<sup>8</sup> To effectuate these changes, the Exchange proposes to amend Rule General 8, Section 1(b) as follows. First, the Exchange would insert, immediately after the bullet titled "TNO Cross Connect," a new bullet titled "Intrafirm Cabinet Connectivity." Second, the Exchange proposes to insert a note designated with a triple asterisk ("\* \* \*") adjacent to that description, together with its accompanying note text to read as follows: "Applicable only to non-contiguous, same-customer-licensed intrafirm-cabinet connectivity that traverses shared data center space; not applicable to contiguous, same-customer-licensed intrafirm-cabinet connectivity that does not traverse shared data center space." Third, the Exchange would insert, where the column titled "Installation Fee" intersects the description of the proposed Intrafirm Cabinet Connectivity, the figure "\$0". Finally, the Exchange would insert, where the column titled "Ongoing Monthly Fee" intersects the description of the proposed service, the various offerings for 1 and up to 24 cross-connects, including their associated fees, as described herein. The Exchange believes these proposed changes are appropriate to reflect that non-contiguous Intrafirm Cabinet connectivity would be expressly identified under Section 1(b) of Rule General 8, as proposed, and to conform Section 1(b) of that Rule accordingly. See proposed Rule General 8.

<sup>9</sup> The Exchange would not charge a separate installation fee because the proposed monthly fees are designed to reflect the Exchange's ongoing provision, inventorying, monitoring, auditing, and maintenance of the service. The Exchange also believes that bundled pricing is reasonable because non-contiguous intrafirm cabinet cross-connects are generally provisioned in increments of six, allowing the Exchange to provision, inventory, and administer bundled cross-connects more efficiently than separately ordered single cross-connects. As proposed, the Exchange would charge the corresponding proposed fees to established customers only upon implementation of the proposed rule changes. Upon implementation of the proposed changes, new customers would be charged the corresponding proposed fees on an ongoing monthly basis.

<sup>10</sup> To effect this change, the Exchange proposes to insert a footnote (designated with a double asterisk) at the conclusion of Section 1(d) of Rule General 8, to provide that Custom Installation Services are not available for Intra-Firm Cabinet Connectivity under Section 1(b) of Rule General 8. See proposed Rule Section 1(d) of Rule General 8.

the Exchange's data center campus, including the Exchange's responsibility for furnishing, inventorying, monitoring, and maintaining the relevant connectivity infrastructure in a manner consistent with its data center integrity controls.

The Exchange also believes that the proposed fees are reasonable because they compare favorably to the fees charged by another national securities exchange for a similar connectivity offering. As discussed below, the Exchange's proposed monthly fees are lower than those charged by the New York Stock Exchange ("NYSE") at each comparable service level, and the Exchange would not charge any installation fee for the service.<sup>11</sup> The Exchange believes that this comparison provides an objective external benchmark supporting the reasonableness of the proposed fee levels.

Specifically, NYSE offers Data Center Fiber Cross Connect<sup>12</sup> and charges a \$500 initial charge plus a \$600 monthly charge for a single cross-connect. For a bundle of six cross-connects, NYSE charges a \$500 initial charge plus a \$1,800 monthly charge. For a bundle of 12 cross-connects, NYSE charges a \$500 initial charge plus a \$3,000 monthly charge. For a bundle of 18 cross-connects, NYSE charges a \$500 initial installation fee and a \$3,800 monthly charge. For a bundle of 24 cross-connects, NYSE charges a \$500 initial charge plus a \$4,680 monthly charge.

By comparison, the Exchange proposes to charge no installation fee and lower monthly fees at each comparable service level. For a single cross-connect, the Exchange's proposed monthly fee of \$385.00 is \$215.00 lower than NYSE's \$600.00 monthly fee, and the Exchange would not charge NYSE's \$500 initial fee. For a bundle of six cross-connects, the Exchange's proposed monthly fee of \$450.00 is \$1,350.00 lower than NYSE's \$1,800.00 monthly fee, again with no installation fee. For a bundle of 12 cross-connects, the Exchange's proposed monthly fee of \$540.00 is \$2,460.00 lower than NYSE's \$3,000.00 monthly fee, also with no installation fee. For a bundle of 18 cross-connects, the Exchange's proposed monthly fee of \$630 is \$3,170 lower than NYSE's \$3,800.00 monthly fee. For a bundle of 24 cross-connects, the

<sup>11</sup> To the best of the Exchange's knowledge, the NYSE service discussed herein is comparable in all material respects to the service proposed herein.

<sup>12</sup> See New York Stock Exchange LLC, *Connectivity Fee Schedule* (Mar. 27, 2026) (setting forth fees for Data Center Fiber Cross Connect), available at [https://www.nyse.com/publicdocs/nyse/Wireless\\_Connectivity\\_Fees\\_and\\_Charges.pdf](https://www.nyse.com/publicdocs/nyse/Wireless_Connectivity_Fees_and_Charges.pdf).

Exchange's proposed monthly fee of \$720.00 is \$3,960.00 lower than NYSE's \$4,680.00 monthly fee, likewise with no installation fee. The Exchange believes that this comparison demonstrates that its proposed fees are materially lower than the fees charged by another national securities exchange for a similar connectivity service, thereby supporting the reasonableness of the proposed fee levels.

#### Implementation

The Exchange proposes to implement the proposed changes on or about the second quarter of 2026. The Exchange will announce the specific implementation date via Nasdaq's Customer Portal.

#### 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>13</sup> in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>14</sup> in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among members, issuers, and other persons using Exchange facilities, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's data center connectivity infrastructure supports access to the Exchange and related services, and the Exchange has a legitimate interest in maintaining robust controls over the physical connectivity components within its data center halls. By requiring non-contiguous intrafirm cabinet connectivity to be furnished, inventoried, monitored, audited, and maintained directly by the Exchange, the proposal would enhance the Exchange's ability to maintain consistent operational standards, identify and remediate issues, preserve accurate records of deployed connectivity, and reduce operational risks associated with connectivity infrastructure that is provided or maintained outside the Exchange's direct administration.

Although the proposal would affect the ability of third parties to provide non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls,<sup>15</sup> the Exchange believes that this limitation is justified by the Exchange's need to maintain oversight

of the connectivity infrastructure within its data center environment. The Exchange believes that permitting multiple providers to provide or maintain such infrastructure would reduce the Exchange's ability to apply uniform inventory, maintenance, audit, monitoring, and troubleshooting standards to connectivity components located within its data center halls. Given the role of such infrastructure in supporting access to the Exchange's facilities, the Exchange believes it is appropriate to require that non-contiguous intrafirm cabinet connectivity be provided directly by the Exchange in order to promote consistent operational controls, enhance auditability, and support the integrity and reliability of the Exchange's data center connectivity environment.

The Exchange believes that the proposed fees for non-contiguous intrafirm cabinet connectivity are reasonable because they reflect the Exchange's investment in, and ongoing provision, auditing, administration, and maintenance of, the fiber and related infrastructure necessary to provide that connectivity within the Exchange's data center campus. As discussed above, the Exchange is standardizing and directly administering this connectivity service as part of its broader efforts to enhance the integrity, consistency, and oversight of its data center infrastructure.

The Exchange also believes that the proposed bundled pricing is reasonable and equitably allocated because non-contiguous intrafirm cabinet cross-connects are generally provisioned in increments of six. Accordingly, the bundled rates reflect the operational efficiencies associated with provisioning, inventorying, monitoring, auditing, and maintaining multiple cross-connects as a set rather than as separately ordered single cross-connects. The bundled options would be available to all similarly situated customers on equal terms, and customers that require only a single cross-connect could continue to purchase the service at the single-cross-connect rate.

The Exchange also believes that the proposed fees are reasonable because they compare favorably to the fees charged by another national securities exchange for a similar connectivity offering. As discussed above, NYSE charges a \$500 initial fee plus a \$600 monthly fee for a single Data Center Fiber Cross Connect, as well as substantially higher monthly fees for bundled options, whereas the Exchange would charge no installation fee and lower monthly fees at each comparable service level. The Exchange believes

that NYSE's pricing for a similar connectivity offering provides a useful external benchmark supporting the conclusion that the proposed fees are reasonable.

The Exchange further believes that the proposed fees represent an equitable allocation of reasonable fees and are not unfairly discriminatory because they would apply uniformly to all similarly situated customers that obtain non-contiguous intrafirm cabinet connectivity. As discussed above, all Exchange data center customers seeking non-contiguous intrafirm cabinet connectivity services would have to obtain such service directly from the Exchange. Thus, all customers seeking that service would be subject to the same fee schedule, and each bundled option would be available on equal terms to any customer that elects the relevant service level. To the extent the proposal provides different pricing based on the number of cross-connects purchased, that distinction is based solely on volume and would apply equally to all customers.

The Exchange also believes that the proposal to identify non-contiguous intrafirm cabinet connectivity expressly within Rule General 8, Section 1(b) is consistent with the Act because it would make the Exchange's fee schedule clearer and more transparent by expressly listing a service that has long been available as part of the Exchange's connectivity offerings. The proposal would thus make the schedule more informative for customers seeking connectivity services within the Exchange's data center campus.

Finally, the Exchange does not believe that the proposal is designed to permit unfair discrimination because the service is offered to customers that require connectivity between their own cabinets within the Exchange's data center campus, and the proposed fees would apply uniformly to all such customers. Customers that do not require the service would not be charged the fee, and customers that do require the service would be charged on the same terms.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed fees would apply uniformly to all customers that request non-contiguous intrafirm cabinet connectivity. The Exchange recognizes that, under the proposal, customers seeking non-contiguous intrafirm

<sup>13</sup> 15 U.S.C. 78f(b).

<sup>14</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>15</sup> The Exchange notes that, as proposed, third parties would not be precluded from offering installation services for the proposed offering. The fiber connectivity itself, however, would be furnished inventoried, monitored, audited, and maintained directly by the Exchange.

cabinet connectivity within the Exchange's data center halls would be required to obtain that fiber connectivity from Nasdaq, and third parties would no longer be permitted to provide such non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls. The Exchange believes that any resulting impact on competition is necessary and appropriate in furtherance of the purposes of the Act because the requirement is designed to support a standardized, centrally administered, monitored, and auditable connectivity environment within the Exchange's data center campus. The Exchange believes that administering this connectivity directly would improve its ability to inventory, maintain, troubleshoot, and monitor the relevant fiber infrastructure, thereby promoting reliability and operational integrity.

The Exchange recognizes that the proposal may affect competition among providers of intrafirm cabinet connectivity because third parties would no longer be permitted to provide non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls. The Exchange believes, however, that any such burden is necessary and appropriate in furtherance of the purposes of the Act because the limitation is directly tied to the Exchange's responsibility to maintain the integrity, reliability, and auditability of the physical connectivity infrastructure within its data center environment. Non-contiguous intrafirm cabinet connectivity traverses shared data center space and forms part of the physical infrastructure supporting access and connectivity within the Exchange's facilities.<sup>16</sup> The Exchange believes that permitting such connectivity to be furnished or maintained by multiple third parties would impair the Exchange's ability to apply uniform standards for provisioning, inventory control, maintenance, monitoring, troubleshooting, and auditability.

The Exchange also does not believe that the proposed fees would impose an undue burden on competition among

customers because the fees would apply on an equal basis to all similarly situated customers and are lower than fees charged by NYSE for a comparable connectivity offering. The Exchange believes that the proposed service is substantively comparable to the NYSE offering used for comparison purposes and therefore believes that the comparison supports the conclusion that the proposed fee levels are within a reasonable range and are not unduly burdensome for customers that purchase the service.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>17</sup> At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-NASDAQ-2026-058 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-NASDAQ-2026-058. This file number should be included on the

subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NASDAQ-2026-058 and should be submitted on or before August 12, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>18</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2026-14744 Filed 7-21-26; 8:45 am]

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**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-105938; File No. SR-NasdaqTX-2026-032]

**Self-Regulatory Organizations; Nasdaq Texas, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule General 8 Regarding Intrafirm Cabinet Connectivity**

July 17, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on July 9, 2026, Nasdaq Texas, LLC ("Nasdaq Texas" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to amend Rule General 8, Section 1(b) to expressly list non-contiguous intrafirm cabinet connectivity as a subset of Fiber connectivity under Rule General 8,

<sup>18</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>16</sup> The Exchange also believes that the proposal is appropriately tailored because it applies only to non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls. It does not restrict customer-directed contiguous cabling between adjacent cabinets licensed to the same customer where such cabling does not traverse shared data center space, nor does it affect services outside the scope of the proposed rule change. Accordingly, any burden on third-party providers is limited to the specific connectivity arrangement for which the Exchange has determined that direct administration is necessary to support consistent controls and operational integrity within its data center environment.

<sup>17</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

Section 1(b), and amend the fees applicable to that service, as described below.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/nasdaqtx/rulefilings>, and at the principal office of the Exchange.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

#### 1. Purpose

The Exchange proposes to amend Rule General 8, Section 1 to expressly list non-contiguous intrafirm cabinet connectivity as a subset of Fiber<sup>3</sup> connectivity under Rule General 8, Section 1(b), and amend the fees applicable to such service, as described below.

#### Background—Intrafirm Cabinet Connectivity Service

The Exchange offers *non-contiguous* intrafirm cabinet connectivity services consisting of cross connections linking a customer's cabinet to another non-contiguous or non-adjacent<sup>4</sup> cabinet, where all such cabinets are licensed to the same customer. By contrast, cabling between contiguous or adjacent cabinets licensed to the same customer, where the connection does not traverse shared data center space, is generally customer-directed and is not offered by the

Exchange as a standalone connectivity service.

With respect to *non-contiguous* intrafirm cabinet connectivity, today customers can order such services as a standard Fiber connection under Rule General 8, Section 1(b) for an installation fee of \$550 and no ongoing monthly fee. Alternatively, customers can choose a custom installation for an installation-specific price as provided in the Custom Installation provision under Rule General 8, Section 1(d).

With respect to contiguous cabling between adjacent cabinets licensed to the same customer, the cabling arrangement is generally customer-directed and may be implemented by the customer or by third parties at the customer's expense. The Exchange does not offer contiguous intrafirm cabinet connectivity as a standalone connectivity service and does not assess a recurring fee for such customer-directed arrangements. If requested by the customer, however, the Exchange may provide installation assistance or furnish cabling on an ancillary basis under the Custom Installation provision of Rule General 8, Section 1(d).

#### Proposed Rule Change

The Exchange now proposes to amend Rule General 8 to expressly list non-contiguous intrafirm cabinet connectivity as a subset of Fiber<sup>5</sup> connectivity under Rule General 8, Section 1(b). To effect this change, the Exchange proposes to amend Rule General 8 to (1) explicitly list "Intrafirm Cabinet Connectivity" as a subset of Fiber connectivity under that subsection; and (2) eliminate the availability of non-contiguous intrafirm cabinet connectivity under Rule General 8, Section 1(d). Thus, as proposed, customers would no longer have the option of selecting intrafirm cabinet connectivity under Rule General 8, Section 1(d).

As discussed above, the availability of non-contiguous intrafirm cabinet connectivity under Rule General 8 is not new. Rather, that service has long been available, whether as a subset of Fiber under Rule General 8, Section 1(b), or as part of the broader Custom Installation offering under Section 1(d) of that Rule. The Exchange now proposes to list that service expressly within the Fiber connectivity provisions of Rule General 8, Section 1(b), thereby providing greater transparency regarding the service's availability and applicable pricing within the Exchange's

connectivity fee schedule.<sup>6</sup> As noted above, customers would no longer have the option of selecting installation for non-contiguous intrafirm cabinet connectivity under Rule General 8, Section 1(d).

As proposed, non-contiguous intrafirm cabinet connectivity within the Exchange's data center halls would be administered directly by the Exchange.<sup>7</sup> As part of the Exchange's continuing efforts to enhance the integrity of its data center operations and as of approximately the second quarter of 2026, all non-contiguous intrafirm cabinet connectivity will be furnished, monitored, and managed by the Exchange, as discussed below. As proposed, and in connection with the Exchange's ongoing investments in, and standardization of, its data center connectivity infrastructure, the Exchange will supply, inventory, and audit the fiber used for non-contiguous intrafirm cabinet connectivity within the Exchange's data center halls. Consistent with that approach, all data center customers seeking non-contiguous intrafirm cabinet connectivity would be required to obtain that connectivity from the Exchange, and third parties would no longer be permitted to provide intrafirm cabinet fiber connectivity within the Exchange's data center halls.

The proposal would enhance the integrity of the Exchange's data center systems by reducing dependence on third-party provided intrafirm cabinet fiber within the Exchange's data center halls and instead placing those connectivity components under Nasdaq's direct administration. This would provide the Exchange with greater end-to-end oversight of the relevant connectivity infrastructure, including how it is furnished, tracked, audited, and maintained. The Exchange

<sup>6</sup> The Exchange notes that, following implementation of the proposed rule change, only that subset of Fiber consisting of contiguous intrafirm connectivity would generally remain customer-directed or provided by third parties. However, Nasdaq would continue to retain supervisory authority over the data center environment as a whole, including the physical areas in which such contiguous intrafirm connectivity is located.

<sup>7</sup> By contrast, the provision of contiguous cabling between adjacent cabinets licensed to the same customer would remain generally customer-directed and would not constitute an Exchange connectivity offering, other than to the extent a customer requests ancillary installation assistance or cabling through the Custom Installation service under Rule General 8, Section 1(d). The Exchange would, however, continue to exercise supervisory oversight over the relevant data center space and the conditions under which such cabling may be installed, maintained, and accessed, consistent with its responsibility for the operation and integrity of its facilities.

<sup>3</sup> See Rule General 8, Section 1(b).

<sup>4</sup> For purposes of this proposal, the Exchange distinguishes between cabling that remains wholly within adjacent customer cabinets and does not traverse shared data center space and cabling that traverses shared data center space. The latter implicates common pathways and Exchange-managed infrastructure and is therefore treated as non-contiguous. The Exchange, however, exercises (and will continue to exercise) supervisory oversight over the relevant data center space and the conditions under which such cabling may be installed, maintained, and accessed, consistent with its responsibility for the operation and integrity of its facilities.

<sup>5</sup> See Rule General 8, Section 1(b).

believes that such oversight strengthens controls around the physical environment supporting access and connectivity, improves auditability and troubleshooting, and promotes consistent operational standards across the data center campus.

#### Amended Fees for Intrafirm Cabinet Connectivity

The Exchange next proposes to amend the fees applicable to non-contiguous intrafirm cabinet connectivity. As discussed above, with respect to non-contiguous intrafirm cabinet connectivity, today customers can order such services as a standard Fiber connection under Rule General 8, Section 1(b) for an installation fee of \$550 and no ongoing monthly fee. Alternatively, customers can choose a custom installation for an installation-specific price as provided under the Custom Installation provision under Rule General 8, Section 1(d).

The Exchange now proposes to restructure and amend the fees for such service. Specifically, the Exchange proposes to charge an ongoing monthly fee of \$385.00 for a single non-contiguous intrafirm cabinet cross-connect. For customers seeking multiple cross-connects, the Exchange would offer bundled monthly pricing of \$450.00 for 6 cross-connects, \$540.00 for 12 cross-connects, \$630.00 for 18 cross-connects, and \$720.00 for 24 cross-connects.<sup>8</sup> The Exchange would not charge an installation fee for the service.<sup>9</sup> As proposed, customers would

no longer have the option of ordering such service under Rule General 8, Section 1(d).<sup>10</sup>

The Exchange is proposing no other changes to Rule General 8.

The Exchange believes that the proposed fees are reasonable because they reflect the Exchange's investment in, and ongoing provision, auditing, administration, and maintenance of, the fiber and related infrastructure necessary to provide non-contiguous intrafirm cabinet connectivity within the Exchange's data center campus, including the Exchange's responsibility for furnishing, inventorying, monitoring, and maintaining the relevant connectivity infrastructure in a manner consistent with its data center integrity controls.

The Exchange also believes that the proposed fees are reasonable because they compare favorably to the fees charged by another national securities exchange for a similar connectivity offering. As discussed below, the Exchange's proposed monthly fees are lower than those charged by the New York Stock Exchange ("NYSE") at each comparable service level, and the Exchange would not charge any installation fee for the service.<sup>11</sup> The Exchange believes that this comparison provides an objective external benchmark supporting the reasonableness of the proposed fee levels.

Specifically, NYSE offers Data Center Fiber Cross Connect<sup>12</sup> and charges a \$500 initial charge plus a \$600 monthly charge for a single cross-connect. For a bundle of six cross-connects, NYSE charges a \$500 initial charge plus a \$1,800 monthly charge. For a bundle of 12 cross-connects, NYSE charges a \$500

initial charge plus a \$3,000 monthly charge. For a bundle of 18 cross-connects, NYSE charges a \$500 initial installation fee and a \$3,800 monthly charge. For a bundle of 24 cross-connects, NYSE charges a \$500 initial charge plus a \$4,680 monthly charge.

By comparison, the Exchange proposes to charge no installation fee and lower monthly fees at each comparable service level. For a single cross-connect, the Exchange's proposed monthly fee of \$385.00 is \$215.00 lower than NYSE's \$600.00 monthly fee, and the Exchange would not charge NYSE's \$500 initial fee. For a bundle of six cross-connects, the Exchange's proposed monthly fee of \$450.00 is \$1,350.00 lower than NYSE's \$1,800.00 monthly fee, again with no installation fee. For a bundle of 12 cross-connects, the Exchange's proposed monthly fee of \$540.00 is \$2,460.00 lower than NYSE's \$3,000.00 monthly fee, also with no installation fee. For a bundle of 18 cross-connects, the Exchange's proposed monthly fee of \$630 is \$3,170 lower than NYSE's \$3,800.00 monthly fee. For a bundle of 24 cross-connects, the Exchange's proposed monthly fee of \$720.00 is \$3,960.00 lower than NYSE's \$4,680.00 monthly fee, likewise with no installation fee. The Exchange believes that this comparison demonstrates that its proposed fees are materially lower than the fees charged by another national securities exchange for a similar connectivity service, thereby supporting the reasonableness of the proposed fee levels.

#### Implementation

The Exchange proposes to implement the proposed changes on or about the second quarter of 2026. The Exchange will announce the specific implementation date via Nasdaq's Customer Portal.

#### 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>13</sup> in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>14</sup> in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among members, issuers, and other persons using Exchange facilities, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's data center connectivity infrastructure supports access to the Exchange and related services, and the Exchange has a

<sup>8</sup> To effectuate these changes, the Exchange proposes to amend Rule General 8, Section 1(b) as follows. First, the Exchange would insert, immediately after the bullet titled "TNO Cross Connect," a new bullet titled "Intrafirm Cabinet Connectivity." Second, the Exchange proposes to insert a note designated with a triple asterisk ("\* \* \*") adjacent to that description, together with its accompanying note text to read as follows: "Applicable only to non-contiguous, same-customer-licensed intrafirm-cabinet connectivity that traverses shared data center space; not applicable to contiguous, same-customer-licensed intrafirm-cabinet connectivity that does not traverse shared data center space." Third, the Exchange would insert, where the column titled "Installation Fee" intersects the description of the proposed Intrafirm Cabinet Connectivity, the figure "\$0". Finally, the Exchange would insert, where the column titled "Ongoing Monthly Fee" intersects the description of the proposed service, the various offerings for 1 and up to 24 cross-connects, including their associated fees, as described herein. The Exchange believes these proposed changes are appropriate to reflect that non-contiguous Intrafirm Cabinet connectivity would be expressly identified under Section 1(b) of Rule General 8, as proposed, and to conform Section 1(b) of that Rule accordingly. See proposed Rule General 8.

<sup>9</sup> The Exchange would not charge a separate installation fee because the proposed monthly fees are designed to reflect the Exchange's ongoing provision, inventorying, monitoring, auditing, and maintenance of the service. The Exchange also

believes that bundled pricing is reasonable because non-contiguous intrafirm cabinet cross-connects are generally provisioned in increments of six, allowing the Exchange to provision, inventory, and administer bundled cross-connects more efficiently than separately ordered single cross-connects. As proposed, the Exchange would charge the corresponding proposed fees to established customers only upon implementation of the proposed rule changes. Upon implementation of the proposed changes, new customers would be charged the corresponding proposed fees on an ongoing monthly basis.

<sup>10</sup> To effect this change, the Exchange proposes to insert a footnote (designated with a double asterisk) at the conclusion of Section 1(d) of Rule General 8, to provide that Custom Installation Services are not available for Intra-Firm Cabinet Connectivity under Section 1(b) of Rule General 8. See proposed Rule Section 1(d) of Rule General 8.

<sup>11</sup> To the best of the Exchange's knowledge, the NYSE service discussed herein is comparable in all material respects to the service proposed herein.

<sup>12</sup> See New York Stock Exchange LLC, *Connectivity Fee Schedule* (Mar. 27, 2026) (setting forth fees for Data Center Fiber Cross Connect), available at [https://www.nyse.com/publicdocs/nyse/Wireless\\_Connectivity\\_Fees\\_and\\_Charges.pdf](https://www.nyse.com/publicdocs/nyse/Wireless_Connectivity_Fees_and_Charges.pdf).

<sup>13</sup> 15 U.S.C. 78f(b).

<sup>14</sup> 15 U.S.C. 78f(b)(4) and (5).

legitimate interest in maintaining robust controls over the physical connectivity components within its data center halls. By requiring non-contiguous intrafirm cabinet connectivity to be furnished, inventoried, monitored, audited, and maintained directly by the Exchange, the proposal would enhance the Exchange's ability to maintain consistent operational standards, identify and remediate issues, preserve accurate records of deployed connectivity, and reduce operational risks associated with connectivity infrastructure that is provided or maintained outside the Exchange's direct administration.

Although the proposal would affect the ability of third parties to provide non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls,<sup>15</sup> the Exchange believes that this limitation is justified by the Exchange's need to maintain oversight of the connectivity infrastructure within its data center environment. The Exchange believes that permitting multiple providers to provide or maintain such infrastructure would reduce the Exchange's ability to apply uniform inventory, maintenance, audit, monitoring, and troubleshooting standards to connectivity components located within its data center halls. Given the role of such infrastructure in supporting access to the Exchange's facilities, the Exchange believes it is appropriate to require that non-contiguous intrafirm cabinet connectivity be provided directly by the Exchange in order to promote consistent operational controls, enhance auditability, and support the integrity and reliability of the Exchange's data center connectivity environment.

The Exchange believes that the proposed fees for non-contiguous intrafirm cabinet connectivity are reasonable because they reflect the Exchange's investment in, and ongoing provision, auditing, administration, and maintenance of, the fiber and related infrastructure necessary to provide that connectivity within the Exchange's data center campus. As discussed above, the Exchange is standardizing and directly administering this connectivity service as part of its broader efforts to enhance the integrity, consistency, and oversight of its data center infrastructure.

The Exchange also believes that the proposed bundled pricing is reasonable and equitably allocated because non-

contiguous intrafirm cabinet cross-connects are generally provisioned in increments of six. Accordingly, the bundled rates reflect the operational efficiencies associated with provisioning, inventorying, monitoring, auditing, and maintaining multiple cross-connects as a set rather than as separately ordered single cross-connects. The bundled options would be available to all similarly situated customers on equal terms, and customers that require only a single cross-connect could continue to purchase the service at the single-cross-connect rate.

The Exchange also believes that the proposed fees are reasonable because they compare favorably to the fees charged by another national securities exchange for a similar connectivity offering. As discussed above, NYSE charges a \$500 initial fee plus a \$600 monthly fee for a single Data Center Fiber Cross Connect, as well as substantially higher monthly fees for bundled options, whereas the Exchange would charge no installation fee and lower monthly fees at each comparable service level. The Exchange believes that NYSE's pricing for a similar connectivity offering provides a useful external benchmark supporting the conclusion that the proposed fees are reasonable.

The Exchange further believes that the proposed fees represent an equitable allocation of reasonable fees and are not unfairly discriminatory because they would apply uniformly to all similarly situated customers that obtain non-contiguous intrafirm cabinet connectivity. As discussed above, all Exchange data center customers seeking non-contiguous intrafirm cabinet connectivity services would have to obtain such service directly from the Exchange. Thus, all customers seeking that service would be subject to the same fee schedule, and each bundled option would be available on equal terms to any customer that elects the relevant service level. To the extent the proposal provides different pricing based on the number of cross-connects purchased, that distinction is based solely on volume and would apply equally to all customers.

The Exchange also believes that the proposal to identify non-contiguous intrafirm cabinet connectivity expressly within Rule General 8, Section 1(b) is consistent with the Act because it would make the Exchange's fee schedule clearer and more transparent by expressly listing a service that has long been available as part of the Exchange's connectivity offerings. The proposal would thus make the schedule

more informative for customers seeking connectivity services within the Exchange's data center campus.

Finally, the Exchange does not believe that the proposal is designed to permit unfair discrimination because the service is offered to customers that require connectivity between their own cabinets within the Exchange's data center campus, and the proposed fees would apply uniformly to all such customers. Customers that do not require the service would not be charged the fee, and customers that do require the service would be charged on the same terms.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed fees would apply uniformly to all customers that request non-contiguous intrafirm cabinet connectivity. The Exchange recognizes that, under the proposal, customers seeking non-contiguous intrafirm cabinet connectivity within the Exchange's data center halls would be required to obtain that fiber connectivity from Nasdaq, and third parties would no longer be permitted to provide such non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls. The Exchange believes that any resulting impact on competition is necessary and appropriate in furtherance of the purposes of the Act because the requirement is designed to support a standardized, centrally administered, monitored, and auditable connectivity environment within the Exchange's data center campus. The Exchange believes that administering this connectivity directly would improve its ability to inventory, maintain, troubleshoot, and monitor the relevant fiber infrastructure, thereby promoting reliability and operational integrity.

The Exchange recognizes that the proposal may affect competition among providers of intrafirm cabinet connectivity because third parties would no longer be permitted to provide non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls. The Exchange believes, however, that any such burden is necessary and appropriate in furtherance of the purposes of the Act because the limitation is directly tied to the Exchange's responsibility to maintain the integrity, reliability, and auditability of the physical connectivity infrastructure within its data center

<sup>15</sup> The Exchange notes that, as proposed, third parties would not be precluded from offering installation services for the proposed offering. The fiber connectivity itself, however, would be furnished inventoried, monitored, audited, and maintained directly by the Exchange.

environment. Non-contiguous intrafirm cabinet connectivity traverses shared data center space and forms part of the physical infrastructure supporting access and connectivity within the Exchange's facilities.<sup>16</sup> The Exchange believes that permitting such connectivity to be furnished or maintained by multiple third parties would impair the Exchange's ability to apply uniform standards for provisioning, inventory control, maintenance, monitoring, troubleshooting, and auditability.

The Exchange also does not believe that the proposed fees would impose an undue burden on competition among customers because the fees would apply on an equal basis to all similarly situated customers and are lower than fees charged by NYSE for a comparable connectivity offering. The Exchange believes that the proposed service is substantively comparable to the NYSE offering used for comparison purposes and therefore believes that the comparison supports the conclusion that the proposed fee levels are within a reasonable range and are not unduly burdensome for customers that purchase the service.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>17</sup> At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the

Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-NasdaqTX-2026-032 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NasdaqTX-2026-032. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NasdaqTX-2026-032 and should be submitted on or before August 12, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>18</sup>

**Sherry R. Haywood,**  
*Assistant Secretary.*

[FR Doc. 2026-14745 Filed 7-21-26; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-105940; File No. SR-IEX-2026-20]

**Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend IEX Rule 16.160 Regarding Information Circular Requirements**

July 17, 2026.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 ("Act")<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that on July 10, 2026, Investors Exchange LLC ("IEX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

Pursuant to the provisions of Section 19(b)(1) under the Act,<sup>4</sup> and Rule 19b-4 thereunder,<sup>5</sup> the Exchange is filing with the Commission a proposed rule change to amend IEX Rule 16.160 (Derivative Securities Traded under Unlisted Trading Privileges) by: (1) adding express cross references to Rules 3.170 and 3.290; (2) deleting Rule 16.160(a)(1), thereby removing the requirement that the Exchange distribute an information circular prior to the commencement of trading in each UTP Exchange Traded Product<sup>6</sup> that generally includes the same information as contained in the information circular approved by the listing exchange; (3) amending Rule 16.160(a)(2) to require that any written description be provided in a form approved by the listing exchange or prepared by the open-ended management company issuing such securities, not later than the time a confirmation of the first transaction in such securities is delivered to such purchaser; and (4) renumbering Rules 16.160(a)(2) through (5) as Rules 16.160(a)(1) through (4), respectively. The Exchange has designated this proposal as non-controversial and provided the Commission with the

<sup>16</sup> The Exchange also believes that the proposal is appropriately tailored because it applies only to non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls. It does not restrict customer-directed contiguous cabling between adjacent cabinets licensed to the same customer where such cabling does not traverse shared data center space, nor does it affect services outside the scope of the proposed rule change. Accordingly, any burden on third-party providers is limited to the specific connectivity arrangement for which the Exchange has determined that direct administration is necessary to support consistent controls and operational integrity within its data center environment.

<sup>17</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>18</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

<sup>4</sup> 15 U.S.C. 78s(b)(1).

<sup>5</sup> 17 CFR 240.19b-4.

<sup>6</sup> See Rule 1.160(rr).

notice required by Rule 19b-4(f)(6)(iii) under the Act.<sup>7</sup>

The text of the proposed rule change is available at the Exchange's website at <https://www.iexexchange.io/resources/regulation/rule-filings> and at the principal office of the Exchange.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

#### 1. Purpose

The Exchange proposes to eliminate the requirement that the Exchange distribute an information circular to Members<sup>8</sup> prior to the commencement of trading in each UTP Exchange Traded Product that generally includes the same information as contained in the information circular provided by the listing exchange as provided in Rule 16.160(a)(1). The Exchange also proposes to amend the introductory paragraph of Rule 16.160(a) to add express cross references to Rules 3.170 and 3.290 in response to the deletion of Rule 16.160(a)(1); to amend Rule 16.160(a)(2) to require that any written description be provided in a form approved by the listing exchange;<sup>9</sup> and to renumber Rules 16.160(a)(2) through (5) as Rules 16.160(a)(1) through (4), respectively.

Rule 16.160 governs the trading on the Exchange of UTP Exchange Traded Products; UTP Exchange Traded Products are derivative securities that are listed on another national securities exchange, which trade on the Exchange pursuant to unlisted trading privileges ("UTP"). Under current Rule 16.160(a)(1), the Exchange must distribute an information circular prior

to the commencement of trading in each UTP Exchange Traded Product that generally mirrors the information circular issued by the primary listing exchange or prepared by the open-ended management company issuing such securities, not later than the time a confirmation of the first transaction in such series is delivered to such purchaser, including: (a) the special risks of trading the new Exchange Traded Product ("ETP"); (b) the Exchange Rules that will apply to the new ETP, including Rule 3.170; (c) information about the dissemination of the value of the underlying assets or indexes; and (d) the risk of trading during the period from 8:00 a.m. to 9:30 a.m. and from 4:00 p.m. to 7:00 p.m. due to the lack of calculation or dissemination of the underlying index value, the Intra-Day Indicative Value or a similar value. The Exchange proposes to delete Rule 16.160(a)(1) in its entirety.

The information circular requirement IEX proposes to delete is unnecessary because the primary listing exchange's information circular already provides Members with the same disclosures the Exchange would otherwise be required to produce. Members have access to the primary listing exchange's information circular prior to the commencement of UTP trading and may rely upon it for the same purposes.<sup>10</sup> The Exchange's issuance of a separate, duplicative circular therefore serves no independent investor protection function.

The Exchange also proposes to amend the introductory paragraph of Rule 16.160 to add express cross references to Rule 3.170 (Suitability) and Rule 3.290 (Customer Disclosures). Current Rule 16.160(a) references both Rule 3.170 and the risk of trading outside of Regular Market Hours<sup>11</sup> addressed by Rule 3.290; because the Exchange proposes to delete Rule 16.160(a)(1) in its entirety, the Exchange is adding express cross references to those rules in the introductory paragraph of 16.160 to preserve their visibility in the context of UTP Exchange Traded Products. These rules already apply to Members by operation of the Exchange's rulebook. The cross references are intended to make the applicable framework explicit in the context of UTP Exchange Traded Products. Rule 3.170 independently requires Members to ensure that any recommendation of a UTP Exchange Traded Product complies with the suitability requirements of FINRA Rules regardless of whether the Exchange has

issued a product-specific information circular.<sup>12</sup> Similarly, Rule 3.290 independently requires Members to provide customers with a written disclosure of the risks of trading outside of Regular Market Hours before accepting any order for execution during such sessions, a standing obligation not contingent on the Exchange's issuance of a product-specific information circular.

Because Rule 16.160(a)(1) has historically served as the mechanism through which the Exchange satisfies the notification obligation under Rule 16.160(a)(2), deletion of Rule 16.160(a)(1) necessitates a conforming amendment to Rule 16.160(a)(2). The Exchange proposes to amend Rule 16.160(a)(2) to require that any written description be provided in a form approved by the listing exchange or prepared by the open-ended management company issuing such securities, not later than the time a confirmation of the first transaction in such series is delivered to such purchaser. The Exchange will notify Members by information circular that such written description will only be required when mandated by the listing exchange. This amendment is consistent with the broader purpose of the proposed rule change: where the listing exchange's information circular already provides Members with the information necessary to assess a UTP Exchange Traded Product, a duplicative written description obligation serves no independent investor protection function. Members may rely on the listing exchange's information circular in the same manner and to the same effect.

Finally, the Exchange proposes to renumber Rules 16.160(a)(2) through (5) as Rules 16.160(a)(1) through (4), respectively. IEX notes that this filing is based on and substantively similar to a recent rule change made by Cboe BZX, Inc. ("Cboe BZX")<sup>13</sup>, which was subsequently replicated in a filing by MIAX Pearl LLC ("Pearl").<sup>14</sup>

#### Implementation

The Exchange will issue an information circular announcing this rule change at least 30 days prior to implementation.

<sup>12</sup> Rule 3.170(a) states that "IEX Members and associated persons of a Member shall comply with FINRA Rule 2111 as if such Rule were part of the Exchange's Rules."

<sup>13</sup> See Securities Exchange Act Release No. 105715 (June 17, 2026), 91 FR 37477 (June 23, 2026) (SR-CboeBZX-2026-054).

<sup>14</sup> See Securities Exchange Act Release No. 105835 (July 1, 2026), 91 FR 41671 (July 7, 2026) (SR-PEARL-2026-28).

<sup>7</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>8</sup> See Rule 1.160(s).

<sup>9</sup> As further described below, the Exchange will notify Members of the written description requirement under Rule 16.160(a)(2) by means of an information circular. Such written description will only be required when required by the listing exchange.

<sup>10</sup> Such information circulars are generally available on the primary listing market's website.

<sup>11</sup> See Rule 1.160(gg).

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act.<sup>15</sup> Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(5)<sup>16</sup> of the Act in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>17</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed deletion of Rule 16.160(a)(1) is consistent with the Act because the primary listing exchange's information circular already provides Members with the same disclosures that the Exchange's information circular would contain. The investor protection functions historically served by the information circular requirement are independently addressed through the primary listing exchange's information circular and the Member-level obligations imposed by Rules 3.170 and 3.290, to which the Exchange proposes to add express cross references in the introductory paragraph of Rule 16.160. The proposed amendment to Rule 16.160(a)(2) ensures that where a written description is required, it is provided in a form approved by the listing exchange or prepared by the open-ended management company issuing such securities, thereby aligning the Exchange's requirements with those of the primary listing market. The Exchange will further notify Members by information circular that such written description will only be required when mandated by the listing exchange, ensuring that no duplicative obligation is imposed where the listing exchange has not determined one to be warranted. The renumbering of Rules 16.160(a)(2) through (5) as Rules 16.160(a)(1) through (4), respectively, is ministerial. For these reasons, the Exchange believes the proposed rule change is consistent with the Act.

Finally, as noted in the Purpose section, two other equities exchanges

have filed rule change proposals substantively similar to this filing,<sup>18</sup> and therefore the Exchange does not believe that this filing raises any new or novel issues not considered by the Commission.

### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change eliminates duplicative procedural obligations applicable to the Exchange in its capacity as a UTP trading venue. It does not alter the terms or conditions under which UTP Exchange Traded Products may be traded on the Exchange, impose any new requirements on Members, or affect the ability of any market participant to access the Exchange's markets. Members will continue to have access to the primary listing exchange's information circular prior to the commencement of UTP trading and may rely upon it for the same purposes as the Exchange's information circular. The proposed amendment to Rule 16.160(a)(2) aligns the written description obligation with the primary listing market's requirements and does not impose any burden on Members beyond what the primary listing market itself requires. Accordingly, the Exchange does not believe the proposed rule change imposes any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act<sup>19</sup> and Rule 19b-4(f)(6)<sup>20</sup> thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has

become effective pursuant to Section 19(b)(3)(A) of the Act<sup>21</sup> and Rule 19b-4(f)(6)<sup>22</sup> thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

### *Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-IEX-2026-20 on the subject line.

### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-IEX-2026-20. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-IEX-2026-20 and should be submitted on or before August 12, 2026.

<sup>21</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>22</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>15</sup> 15 U.S.C. 78f(b).

<sup>16</sup> 15 U.S.C. 78f(b)(5).

<sup>17</sup> 15 U.S.C. 78f(b)(5).

<sup>18</sup> See *supra*, notes 13 and 14.

<sup>19</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>20</sup> 17 CFR 240.19b-4(f)(6).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>23</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2026-14747 Filed 7-21-26; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-105943; File No. SR-GEMX-2026-27]

### Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule General 8 Regarding Intrafirm Cabinet Connectivity

July 17, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on July 9, 2026, Nasdaq GEMX, LLC (“GEMX” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule General 8, Section 1(b) to expressly list non-contiguous intrafirm cabinet connectivity as a subset of Fiber connectivity under Rule General 8, Section 1(b), and amend the fees applicable to that service, as described below.

The text of the proposed rule change is available on the Exchange’s website at <https://listingcenter.nasdaq.com/rulebook/gemx/rulefilings>, and at the principal office of the Exchange.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the

places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange proposes to amend Rule General 8, Section 1 to expressly list non-contiguous intrafirm cabinet connectivity as a subset of Fiber<sup>3</sup> connectivity under Rule General 8, Section 1(b), and amend the fees applicable to such service, as described below.

##### Background—Intrafirm Cabinet Connectivity Service

The Exchange offers *non-contiguous* intrafirm cabinet connectivity services consisting of cross connections linking a customer’s cabinet to another non-contiguous or non-adjacent<sup>4</sup> cabinet, where all such cabinets are licensed to the same customer. By contrast, cabling between contiguous or adjacent cabinets licensed to the same customer, where the connection does not traverse shared data center space, is generally customer-directed and is not offered by the Exchange as a standalone connectivity service.

With respect to *non-contiguous* intrafirm cabinet connectivity, today customers can order such services as a standard Fiber connection under Rule General 8, Section 1(b) for an installation fee of \$550 and no ongoing monthly fee. Alternatively, customers can choose a custom installation for an installation-specific price as provided in the Custom Installation provision under Rule General 8, Section 1(d).

With respect to contiguous cabling between adjacent cabinets licensed to the same customer, the cabling arrangement is generally customer-directed and may be implemented by the customer or by third parties at the customer’s expense. The Exchange does not offer contiguous intrafirm cabinet

connectivity as a standalone connectivity service and does not assess a recurring fee for such customer-directed arrangements. If requested by the customer, however, the Exchange may provide installation assistance or furnish cabling on an ancillary basis under the Custom Installation provision of Rule General 8, Section 1(d).

##### Proposed Rule Change

The Exchange now proposes to amend Rule General 8 to expressly list non-contiguous intrafirm cabinet connectivity as a subset of Fiber<sup>5</sup> connectivity under Rule General 8, Section 1(b). To effect this change, the Exchange proposes to amend Rule General 8 to (1) explicitly list “Intrafirm Cabinet Connectivity” as a subset of Fiber connectivity under that subsection; and (2) eliminate the availability of non-contiguous intrafirm cabinet connectivity under Rule General 8, Section 1(d). Thus, as proposed, customers would no longer have the option of selecting intrafirm cabinet connectivity under Rule General 8, Section 1(d).

As discussed above, the availability of non-contiguous intrafirm cabinet connectivity under Rule General 8 is not new. Rather, that service has long been available, whether as a subset of Fiber under Rule General 8, Section 1(b), or as part of the broader Custom Installation offering under Section 1(d) of that Rule. The Exchange now proposes to list that service expressly within the Fiber connectivity provisions of Rule General 8, Section 1(b), thereby providing greater transparency regarding the service’s availability and applicable pricing within the Exchange’s connectivity fee schedule.<sup>6</sup> As noted above, customers would no longer have the option of selecting installation for non-contiguous intrafirm cabinet connectivity under Rule General 8, Section 1(d).

As proposed, non-contiguous intrafirm cabinet connectivity within the Exchange’s data center halls would be administered directly by the Exchange.<sup>7</sup> As part of the Exchange’s

<sup>3</sup> See Rule General 8, Section 1(b).

<sup>4</sup> For purposes of this proposal, the Exchange distinguishes between cabling that remains wholly within adjacent customer cabinets and does not traverse shared data center space and cabling that traverses shared data center space. The latter implicates common pathways and Exchange-managed infrastructure and is therefore treated as non-contiguous. The Exchange, however, exercises (and will continue to exercise) supervisory oversight over the relevant data center space and the conditions under which such cabling may be installed, maintained, and accessed, consistent with its responsibility for the operation and integrity of its facilities.

<sup>5</sup> See Rule General 8, Section 1(b).

<sup>6</sup> The Exchange notes that, following implementation of the proposed rule change, only that subset of Fiber consisting of contiguous intrafirm connectivity would generally remain customer-directed or provided by third parties. However, Nasdaq would continue to retain supervisory authority over the data center environment as a whole, including the physical areas in which such contiguous intrafirm connectivity is located.

<sup>7</sup> By contrast, the provision of contiguous cabling between adjacent cabinets licensed to the same customer would remain generally customer-directed and would not constitute an Exchange

<sup>23</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

continuing efforts to enhance the integrity of its data center operations and as of approximately the second quarter of 2026, all non-contiguous intrafirm cabinet connectivity will be furnished, monitored, and managed by the Exchange, as discussed below. As proposed, and in connection with the Exchange's ongoing investments in, and standardization of, its data center connectivity infrastructure, the Exchange will supply, inventory, and audit the fiber used for non-contiguous intrafirm cabinet connectivity within the Exchange's data center halls. Consistent with that approach, all data center customers seeking non-contiguous intrafirm cabinet connectivity would be required to obtain that connectivity from the Exchange, and third parties would no longer be permitted to provide intrafirm cabinet fiber connectivity within the Exchange's data center halls.

The proposal would enhance the integrity of the Exchange's data center systems by reducing dependence on third-party provided intrafirm cabinet fiber within the Exchange's data center halls and instead placing those connectivity components under Nasdaq's direct administration. This would provide the Exchange with greater end-to-end oversight of the relevant connectivity infrastructure, including how it is furnished, tracked, audited, and maintained. The Exchange believes that such oversight strengthens controls around the physical environment supporting access and connectivity, improves auditability and troubleshooting, and promotes consistent operational standards across the data center campus.

#### Amended Fees for Intrafirm Cabinet Connectivity

The Exchange next proposes to amend the fees applicable to non-contiguous intrafirm cabinet connectivity. As discussed above, with respect to non-contiguous intrafirm cabinet connectivity, today customers can order such services as a standard Fiber connection under Rule General 8, Section 1(b) for an installation fee of \$550 and no ongoing monthly fee. Alternatively, customers can choose a custom installation for an installation-specific price as provided under the

connectivity offering, other than to the extent a customer requests ancillary installation assistance or cabling through the Custom Installation service under Rule General 8, Section 1(d). The Exchange would, however, continue to exercise supervisory oversight over the relevant data center space and the conditions under which such cabling may be installed, maintained, and accessed, consistent with its responsibility for the operation and integrity of its facilities.

Custom Installation provision under Rule General 8, Section 1(d).

The Exchange now proposes to restructure and amend the fees for such service. Specifically, the Exchange proposes to charge an ongoing monthly fee of \$385.00 for a single non-contiguous intrafirm cabinet cross-connect. For customers seeking multiple cross-connects, the Exchange would offer bundled monthly pricing of \$450.00 for 6 cross-connects, \$540.00 for 12 cross-connects, \$630.00 for 18 cross-connects, and \$720.00 for 24 cross-connects.<sup>8</sup> The Exchange would not charge an installation fee for the service.<sup>9</sup> As proposed, customers would no longer have the option of ordering such service under Rule General 8, Section 1(d).<sup>10</sup>

The Exchange is proposing no other changes to Rule General 8.

The Exchange believes that the proposed fees are reasonable because

<sup>8</sup> To effectuate these changes, the Exchange proposes to amend Rule General 8, Section 1(b) as follows. First, the Exchange would insert, immediately after the bullet titled "TNO Cross Connect," a new bullet titled "Intrafirm Cabinet Connectivity." Second, the Exchange proposes to insert a note designated with a triple asterisk ("\* \* \*") adjacent to that description, together with its accompanying note text to read as follows: "Applicable only to non-contiguous, same-customer-licensed intrafirm-cabinet connectivity that traverses shared data center space; not applicable to contiguous, same-customer-licensed intrafirm-cabinet connectivity that does not traverse shared data center space." Third, the Exchange would insert, where the column titled "Installation Fee" intersects the description of the proposed Intrafirm Cabinet Connectivity, the figure "\$0". Finally, the Exchange would insert, where the column titled "Ongoing Monthly Fee" intersects the description of the proposed service, the various offerings for 1 and up to 24 cross-connects, including their associated fees, as described herein. The Exchange believes these proposed changes are appropriate to reflect that non-contiguous Intrafirm Cabinet connectivity would be expressly identified under Section 1(b) of Rule General 8, as proposed, and to conform Section 1(b) of that Rule accordingly. See proposed Rule General 8.

<sup>9</sup> The Exchange would not charge a separate installation fee because the proposed monthly fees are designed to reflect the Exchange's ongoing provision, inventorying, monitoring, auditing, and maintenance of the service. The Exchange also believes that bundled pricing is reasonable because non-contiguous intrafirm cabinet cross-connects are generally provisioned in increments of six, allowing the Exchange to provision, inventory, and administer bundled cross-connects more efficiently than separately ordered single cross-connects. As proposed, the Exchange would charge the corresponding proposed fees to established customers only upon implementation of the proposed rule changes. Upon implementation of the proposed changes, new customers would be charged the corresponding proposed fees on an ongoing monthly basis.

<sup>10</sup> To effect this change, the Exchange proposes to insert a footnote (designated with a double asterisk) at the conclusion of Section 1(d) of Rule General 8, to provide that Custom Installation Services are not available for Intra-Firm Cabinet Connectivity under Section 1(b) of Rule General 8. See proposed Rule Section 1(d) of Rule General 8.

they reflect the Exchange's investment in, and ongoing provision, auditing, administration, and maintenance of, the fiber and related infrastructure necessary to provide non-contiguous intrafirm cabinet connectivity within the Exchange's data center campus, including the Exchange's responsibility for furnishing, inventorying, monitoring, and maintaining the relevant connectivity infrastructure in a manner consistent with its data center integrity controls.

The Exchange also believes that the proposed fees are reasonable because they compare favorably to the fees charged by another national securities exchange for a similar connectivity offering. As discussed below, the Exchange's proposed monthly fees are lower than those charged by the New York Stock Exchange ("NYSE") at each comparable service level, and the Exchange would not charge any installation fee for the service.<sup>11</sup> The Exchange believes that this comparison provides an objective external benchmark supporting the reasonableness of the proposed fee levels.

Specifically, NYSE offers Data Center Fiber Cross Connect<sup>12</sup> and charges a \$500 initial charge plus a \$600 monthly charge for a single cross-connect. For a bundle of six cross-connects, NYSE charges a \$500 initial charge plus a \$1,800 monthly charge. For a bundle of 12 cross-connects, NYSE charges a \$500 initial charge plus a \$3,000 monthly charge. For a bundle of 18 cross-connects, NYSE charges a \$500 initial installation fee and a \$3,800 monthly charge. For a bundle of 24 cross-connects, NYSE charges a \$500 initial charge plus a \$4,680 monthly charge.

By comparison, the Exchange proposes to charge no installation fee and lower monthly fees at each comparable service level. For a single cross-connect, the Exchange's proposed monthly fee of \$385.00 is \$215.00 lower than NYSE's \$600.00 monthly fee, and the Exchange would not charge NYSE's \$500 initial fee. For a bundle of six cross-connects, the Exchange's proposed monthly fee of \$450.00 is \$1,350.00 lower than NYSE's \$1,800.00 monthly fee, again with no installation fee. For a bundle of 12 cross-connects, the Exchange's proposed monthly fee of \$540.00 is \$2,460.00 lower than NYSE's

<sup>11</sup> To the best of the Exchange's knowledge, the NYSE service discussed herein is comparable in all material respects to the service proposed herein.

<sup>12</sup> See New York Stock Exchange LLC, *Connectivity Fee Schedule* (Mar. 27, 2026) (setting forth fees for Data Center Fiber Cross Connect), available at [https://www.nyse.com/publicdocs/nyse/Wireless\\_Connectivity\\_Fees\\_and\\_Charges.pdf](https://www.nyse.com/publicdocs/nyse/Wireless_Connectivity_Fees_and_Charges.pdf).

\$3,000.00 monthly fee, also with no installation fee. For a bundle of 18 cross-connects, the Exchange's proposed monthly fee of \$630 is \$3,170 lower than NYSE's \$3,800.00 monthly fee. For a bundle of 24 cross-connects, the Exchange's proposed monthly fee of \$720.00 is \$3,960.00 lower than NYSE's \$4,680.00 monthly fee, likewise with no installation fee. The Exchange believes that this comparison demonstrates that its proposed fees are materially lower than the fees charged by another national securities exchange for a similar connectivity service, thereby supporting the reasonableness of the proposed fee levels.

#### Implementation

The Exchange proposes to implement the proposed changes on or about the second quarter of 2026. The Exchange will announce the specific implementation date via Nasdaq's Customer Portal.

#### 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>13</sup> in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>14</sup> in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among members, issuers, and other persons using Exchange facilities, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's data center connectivity infrastructure supports access to the Exchange and related services, and the Exchange has a legitimate interest in maintaining robust controls over the physical connectivity components within its data center halls. By requiring non-contiguous intrafirm cabinet connectivity to be furnished, inventoried, monitored, audited, and maintained directly by the Exchange, the proposal would enhance the Exchange's ability to maintain consistent operational standards, identify and remediate issues, preserve accurate records of deployed connectivity, and reduce operational risks associated with connectivity infrastructure that is provided or maintained outside the Exchange's direct administration.

Although the proposal would affect the ability of third parties to provide non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data

center halls,<sup>15</sup> the Exchange believes that this limitation is justified by the Exchange's need to maintain oversight of the connectivity infrastructure within its data center environment. The Exchange believes that permitting multiple providers to provide or maintain such infrastructure would reduce the Exchange's ability to apply uniform inventory, maintenance, audit, monitoring, and troubleshooting standards to connectivity components located within its data center halls. Given the role of such infrastructure in supporting access to the Exchange's facilities, the Exchange believes it is appropriate to require that non-contiguous intrafirm cabinet connectivity be provided directly by the Exchange in order to promote consistent operational controls, enhance auditability, and support the integrity and reliability of the Exchange's data center connectivity environment.

The Exchange believes that the proposed fees for non-contiguous intrafirm cabinet connectivity are reasonable because they reflect the Exchange's investment in, and ongoing provision, auditing, administration, and maintenance of, the fiber and related infrastructure necessary to provide that connectivity within the Exchange's data center campus. As discussed above, the Exchange is standardizing and directly administering this connectivity service as part of its broader efforts to enhance the integrity, consistency, and oversight of its data center infrastructure.

The Exchange also believes that the proposed bundled pricing is reasonable and equitably allocated because non-contiguous intrafirm cabinet cross-connects are generally provisioned in increments of six. Accordingly, the bundled rates reflect the operational efficiencies associated with provisioning, inventorying, monitoring, auditing, and maintaining multiple cross-connects as a set rather than as separately ordered single cross-connects. The bundled options would be available to all similarly situated customers on equal terms, and customers that require only a single cross-connect could continue to purchase the service at the single-cross-connect rate.

The Exchange also believes that the proposed fees are reasonable because they compare favorably to the fees charged by another national securities exchange for a similar connectivity

offering. As discussed above, NYSE charges a \$500 initial fee plus a \$600 monthly fee for a single Data Center Fiber Cross Connect, as well as substantially higher monthly fees for bundled options, whereas the Exchange would charge no installation fee and lower monthly fees at each comparable service level. The Exchange believes that NYSE's pricing for a similar connectivity offering provides a useful external benchmark supporting the conclusion that the proposed fees are reasonable.

The Exchange further believes that the proposed fees represent an equitable allocation of reasonable fees and are not unfairly discriminatory because they would apply uniformly to all similarly situated customers that obtain non-contiguous intrafirm cabinet connectivity. As discussed above, all Exchange data center customers seeking non-contiguous intrafirm cabinet connectivity services would have to obtain such service directly from the Exchange. Thus, all customers seeking that service would be subject to the same fee schedule, and each bundled option would be available on equal terms to any customer that elects the relevant service level. To the extent the proposal provides different pricing based on the number of cross-connects purchased, that distinction is based solely on volume and would apply equally to all customers.

The Exchange also believes that the proposal to identify non-contiguous intrafirm cabinet connectivity expressly within Rule General 8, Section 1(b) is consistent with the Act because it would make the Exchange's fee schedule clearer and more transparent by expressly listing a service that has long been available as part of the Exchange's connectivity offerings. The proposal would thus make the schedule more informative for customers seeking connectivity services within the Exchange's data center campus.

Finally, the Exchange does not believe that the proposal is designed to permit unfair discrimination because the service is offered to customers that require connectivity between their own cabinets within the Exchange's data center campus, and the proposed fees would apply uniformly to all such customers. Customers that do not require the service would not be charged the fee, and customers that do require the service would be charged on the same terms.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose

<sup>13</sup> 15 U.S.C. 78f(b).

<sup>14</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>15</sup> The Exchange notes that, as proposed, third parties would not be precluded from offering installation services for the proposed offering. The fiber connectivity itself, however, would be furnished inventoried, monitored, audited, and maintained directly by the Exchange.

any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed fees would apply uniformly to all customers that request non-contiguous intrafirm cabinet connectivity. The Exchange recognizes that, under the proposal, customers seeking non-contiguous intrafirm cabinet connectivity within the Exchange's data center halls would be required to obtain that fiber connectivity from Nasdaq, and third parties would no longer be permitted to provide such non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls. The Exchange believes that any resulting impact on competition is necessary and appropriate in furtherance of the purposes of the Act because the requirement is designed to support a standardized, centrally administered, monitored, and auditable connectivity environment within the Exchange's data center campus. The Exchange believes that administering this connectivity directly would improve its ability to inventory, maintain, troubleshoot, and monitor the relevant fiber infrastructure, thereby promoting reliability and operational integrity.

The Exchange recognizes that the proposal may affect competition among providers of intrafirm cabinet connectivity because third parties would no longer be permitted to provide non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls. The Exchange believes, however, that any such burden is necessary and appropriate in furtherance of the purposes of the Act because the limitation is directly tied to the Exchange's responsibility to maintain the integrity, reliability, and auditability of the physical connectivity infrastructure within its data center environment. Non-contiguous intrafirm cabinet connectivity traverses shared data center space and forms part of the physical infrastructure supporting access and connectivity within the Exchange's facilities.<sup>16</sup> The Exchange believes that permitting such connectivity to be furnished or

maintained by multiple third parties would impair the Exchange's ability to apply uniform standards for provisioning, inventory control, maintenance, monitoring, troubleshooting, and auditability.

The Exchange also does not believe that the proposed fees would impose an undue burden on competition among customers because the fees would apply on an equal basis to all similarly situated customers and are lower than fees charged by NYSE for a comparable connectivity offering. The Exchange believes that the proposed service is substantively comparable to the NYSE offering used for comparison purposes and therefore believes that the comparison supports the conclusion that the proposed fee levels are within a reasonable range and are not unduly burdensome for customers that purchase the service.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>17</sup> At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-GEMX-2026-27 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-GEMX-2026-27. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-GEMX-2026-27 and should be submitted on or before August 12, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>18</sup>

**Sherry R. Haywood,**  
*Assistant Secretary.*

[FR Doc. 2026-14750 Filed 7-21-26; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[OMB Control No. 3235-0671]

**Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 613 of Regulation NMS**

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in connection with a National Market System (NMS) Plan filed with the Commission under Rule 613 (17 CFR 242.613), under the Securities Exchange Act of 1934 (15

<sup>16</sup> The Exchange also believes that the proposal is appropriately tailored because it applies only to non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls. It does not restrict customer-directed contiguous cabling between adjacent cabinets licensed to the same customer where such cabling does not traverse shared data center space, nor does it affect services outside the scope of the proposed rule change. Accordingly, any burden on third-party providers is limited to the specific connectivity arrangement for which the Exchange has determined that direct administration is necessary to support consistent controls and operational integrity within its data center environment.

<sup>17</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>18</sup> 17 CFR 200.30-3(a)(12).

U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (“OMB”) for extension and approval.

Rule 613 of Regulation NMS (17 CFR part 242) required national securities exchanges and national securities associations (collectively, the “Participants”) to jointly submit to the Commission a national market system (“NMS”) plan to govern the creation, implementation, and maintenance of a consolidated audit trail (“CAT”) and Central Repository for the collection of information for NMS securities. On February 27, 2015, the Participants submitted the CAT NMS Plan to the Commission.<sup>1</sup> On April 27, 2016, the Commission published a notice soliciting comments from the public (“CAT NMS Plan Notice”).<sup>2</sup> On November 15, 2016, the Commission approved the CAT NMS Plan (“CAT NMS Plan Order”), including the information collections proposed in the CAT NMS Plan Notice, and certain additional information collections.<sup>3</sup>

Since 2017 the Commission has approved several amendments to the CAT NMS Plan and issued exemptive relief from its requirements. Some of these amendments and/or exemptive relief orders have resulted in data being removed from the CAT. For instance, the Commission has issued exemptive relief from and approved amendments to the CAT NMS Plan to enable the SROs to remove customer and account-

level information from the CAT.<sup>4</sup> The Commission has also issued exemptive relief from and approved amendments to the CAT NMS Plan to enable the SROs to shorten the retention period for the data collected by the CAT.<sup>5</sup>

This Notice addresses both the ongoing information collection requirements noted above, the remaining information collection requirements contained in the CAT NMS Plan Notice, and certain additional information collections of the CAT NMS Plan Order, which includes an assessment of the projected impact of any Material Systems Change on the Maximum Error Rate, prior to the implementation of such Material Systems Change from the Participants.<sup>6</sup>

The CAT NMS Plan, which governs the CAT, improves the quality of the data available to regulators in four areas that affect the ultimate effectiveness of core regulatory efforts—completeness, accuracy, accessibility and timeliness.<sup>7</sup> The improvements in these data qualities substantially improve regulators’ ability to perform analysis and reconstruction of market events, and market analysis and research to

inform policy decisions, as well as perform regulatory activities, in particular market surveillance, examinations, investigations, and other enforcement functions.

The Commission estimates that 1,199 respondents<sup>8</sup> will require an aggregate total of approximately 4,122,488 hours per year to comply with the collection of information. The Commission further estimates that the aggregate cost to comply with the collection of information will be approximately \$384,727,051 per year.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC’s estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated, electronic collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to [PaperworkReductionAct@sec.gov](mailto:PaperworkReductionAct@sec.gov) by September 21, 2026.

Dated: July 17, 2026.

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2026–14740 Filed 7–21–26; 8:45 am]

**BILLING CODE 8011–01–P**

<sup>1</sup> See Letter from Participants to Brent J. Fields, Secretary, Commission, dated February 27, 2015. The Participants filed the CAT NMS Plan on September 30, 2014. See Letter from the Participants to Brent J. Fields, Secretary, Commission, dated September 30, 2014. The CAT NMS Plan filed on February 27, 2015, was an amendment to and replacement of the Initial CAT NMS Plan (the “Amended and Restated CAT NMS Plan”). On December 24, 2015, the Participants submitted an Amendment to the Amended and Restated CAT NMS Plan. See Letter from Participants to Brent J. Fields, Secretary, Commission, dated December 23, 2015 (the “Amendment”). On February 9, 2016, the Participants filed with the Commission an identical, but unmarked, version of the Amended and Restated CAT NMS Plan, dated February 27, 2015, as modified by the Amendment, as well as a copy of the request for proposal issued by the Participants to solicit Bids from parties interested in serving as the Plan Processor for the consolidated audit trail. Unless the context otherwise requires, the “CAT NMS Plan” shall refer to the Amended and Restated CAT NMS Plan, as modified by the Amendment.

<sup>2</sup> See Securities Exchange Act Release No. 77724 (April 27, 2016), 81 FR 30613 (May 17, 2016). The burdens associated with the CAT NMS Plan Notice were submitted under OMB number 3235–0671 which relates to the NMS Plan required to be filed under Rule 613.

<sup>3</sup> See Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696 (November 23, 2016), available at <https://www.sec.gov/rules/sro/nms/2016/34-79318.pdf> (“CAT NMS Plan Order”).

<sup>4</sup> See, e.g., Securities Exchange Act Release No. 88393 (Mar. 17, 2020), 85 FR 16152 (Mar. 20, 2020) (the “2020 PII Exemptive Relief Order”) (providing conditional exemptive relief from CAT NMS Plan requirements obligating the SROs to collect social security numbers (“SSNs”) and/or individual tax payer identification numbers (“ITINs”), dates of birth, and account numbers associated with natural persons); Securities Exchange Act Release No. 102386 (Feb. 10, 2025), 90 FR 9642, 9643 (Feb. 14, 2025) (the “2025 PII Exemptive Relief Order”) (providing conditional exemptive relief from CAT NMS Plan requirements obligating the SROs to collect names, addresses, and years of birth for U.S. natural persons); Securities Exchange Act Release No. 104586 (Jan. 13, 2026), 91 FR 2164 (Jan. 16, 2026) (the “CAIS Order”) (codifying the 2020 PII Exemptive Relief Order and the 2025 PII Exemptive Relief Order and, among other things, enabling the SROs to eliminate: (1) historical customer and account-level data, including, among other things, names, addresses, and years of birth, (2) names, addresses, and years of birth (where applicable) for foreign natural persons, for legal entities, and for authorized traders, and (3) employer identification numbers).

<sup>5</sup> See, e.g., Securities Exchange Act Release No. 104144 (Sept. 30, 2025), FR 90 47853, 47854–55 (Oct. 2, 2025) (providing exemptive relief from certain requirements related to data storage and retention); Securities Exchange Act Release No. 105107 (Mar. 27, 2026), 91 FR 16284, 16307 (Apr. 1, 2026) (approving amendments to the CAT NMS Plan that permit the SROs to: (1) delete all CAT Data older than three years; (2) delete options market maker quotes on Listed Options older than six months; (3) delete Interim Operational Data older than 15 days; and (4) delete Options SIP Data older than six months).

<sup>6</sup> Id. at 84942. The Commission believes that one assessment would be filed annually.

<sup>7</sup> See CAT NMS Plan Order, *supra* note 3, at 45727 (discussing four “qualities” of trade and order data that impact the effectiveness of core Participant and Commission regulatory efforts: accuracy, completeness, accessibility, and timeliness).

<sup>8</sup> The Commission notes that 27 Participants (the 26 national securities exchanges and one national securities association) and 1,172 broker-dealers are subject to information collection requirements pursuant to Rule 613 and the CAT NMS Plan.

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-105939; File No. SR-PHLX-2026-45]

### Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule General 8 Regarding Intrafirm Cabinet Connectivity

July 17, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on July 9, 2026, Nasdaq PHLX LLC (“Phlx” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule General 8, Section 1(b) to expressly list non-contiguous intrafirm cabinet connectivity as a subset of Fiber connectivity under Rule General 8, Section 1(b), and amend the fees applicable to that service, as described below.

The text of the proposed rule change is available on the Exchange’s website at <https://listingcenter.nasdaq.com/rulebook/phlx/rulefilings>, and at the principal office of the Exchange.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange proposes to amend Rule General 8, Section 1 to expressly list non-contiguous intrafirm cabinet connectivity as a subset of Fiber<sup>3</sup> connectivity under Rule General 8, Section 1(b), and amend the fees applicable to such service, as described below.

##### Background—Intrafirm Cabinet Connectivity Service

The Exchange offers *non-contiguous* intrafirm cabinet connectivity services consisting of cross connections linking a customer’s cabinet to another non-contiguous or non-adjacent<sup>4</sup> cabinet, where all such cabinets are licensed to the same customer. By contrast, cabling between contiguous or adjacent cabinets licensed to the same customer, where the connection does not traverse shared data center space, is generally customer-directed and is not offered by the Exchange as a standalone connectivity service.

With respect to *non-contiguous* intrafirm cabinet connectivity, today customers can order such services as a standard Fiber connection under Rule General 8, Section 1(b) for an installation fee of \$550 and no ongoing monthly fee. Alternatively, customers can choose a custom installation for an installation-specific price as provided in the Custom Installation provision under Rule General 8, Section 1(d).

With respect to contiguous cabling between adjacent cabinets licensed to the same customer, the cabling arrangement is generally customer-directed and may be implemented by the customer or by third parties at the customer’s expense. The Exchange does not offer contiguous intrafirm cabinet connectivity as a standalone connectivity service and does not assess a recurring fee for such customer-directed arrangements. If requested by the customer, however, the Exchange may provide installation assistance or

furnish cabling on an ancillary basis under the Custom Installation provision of Rule General 8, Section 1(d).

##### Proposed Rule Change

The Exchange now proposes to amend Rule General 8 to expressly list non-contiguous intrafirm cabinet connectivity as a subset of Fiber<sup>5</sup> connectivity under Rule General 8, Section 1(b). To effect this change, the Exchange proposes to amend Rule General 8 to (1) explicitly list “Intrafirm Cabinet Connectivity” as a subset of Fiber connectivity under that subsection; and (2) eliminate the availability of non-contiguous intrafirm cabinet connectivity under Rule General 8, Section 1(d). Thus, as proposed, customers would no longer have the option of selecting intrafirm cabinet connectivity under Rule General 8, Section 1(d).

As discussed above, the availability of non-contiguous intrafirm cabinet connectivity under Rule General 8 is not new. Rather, that service has long been available, whether as a subset of Fiber under Rule General 8, Section 1(b), or as part of the broader Custom Installation offering under Section 1(d) of that Rule. The Exchange now proposes to list that service expressly within the Fiber connectivity provisions of Rule General 8, Section 1(b), thereby providing greater transparency regarding the service’s availability and applicable pricing within the Exchange’s connectivity fee schedule.<sup>6</sup> As noted above, customers would no longer have the option of selecting installation for non-contiguous intrafirm cabinet connectivity under Rule General 8, Section 1(d).

As proposed, non-contiguous intrafirm cabinet connectivity within the Exchange’s data center halls would be administered directly by the Exchange.<sup>7</sup> As part of the Exchange’s

<sup>5</sup> See Rule General 8, Section 1(b).

<sup>6</sup> The Exchange notes that, following implementation of the proposed rule change, only that subset of Fiber consisting of contiguous intrafirm connectivity would generally remain customer-directed or provided by third parties. However, Nasdaq would continue to retain supervisory authority over the data center environment as a whole, including the physical areas in which such contiguous intrafirm connectivity is located.

<sup>7</sup> By contrast, the provision of contiguous cabling between adjacent cabinets licensed to the same customer would remain generally customer-directed and would not constitute an Exchange connectivity offering, other than to the extent a customer requests ancillary installation assistance or cabling through the Custom Installation service under Rule General 8, Section 1(d). The Exchange would, however, continue to exercise supervisory oversight over the relevant data center space and the conditions under which such cabling may be

Continued

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Rule General 8, Section 1(b).

<sup>4</sup> For purposes of this proposal, the Exchange distinguishes between cabling that remains wholly within adjacent customer cabinets and does not traverse shared data center space and cabling that traverses shared data center space. The latter implicates common pathways and Exchange-managed infrastructure and is therefore treated as non-contiguous. The Exchange, however, exercises (and will continue to exercise) supervisory oversight over the relevant data center space and the conditions under which such cabling may be installed, maintained, and accessed, consistent with its responsibility for the operation and integrity of its facilities.

continuing efforts to enhance the integrity of its data center operations and as of approximately the second quarter of 2026, all non-contiguous intrafirm cabinet connectivity will be furnished, monitored, and managed by the Exchange, as discussed below. As proposed, and in connection with the Exchange's ongoing investments in, and standardization of, its data center connectivity infrastructure, the Exchange will supply, inventory, and audit the fiber used for non-contiguous intrafirm cabinet connectivity within the Exchange's data center halls. Consistent with that approach, all data center customers seeking non-contiguous intrafirm cabinet connectivity would be required to obtain that connectivity from the Exchange, and third parties would no longer be permitted to provide intrafirm cabinet fiber connectivity within the Exchange's data center halls.

The proposal would enhance the integrity of the Exchange's data center systems by reducing dependence on third-party provided intrafirm cabinet fiber within the Exchange's data center halls and instead placing those connectivity components under Nasdaq's direct administration. This would provide the Exchange with greater end-to-end oversight of the relevant connectivity infrastructure, including how it is furnished, tracked, audited, and maintained. The Exchange believes that such oversight strengthens controls around the physical environment supporting access and connectivity, improves auditability and troubleshooting, and promotes consistent operational standards across the data center campus.

#### Amended Fees for Intrafirm Cabinet Connectivity

The Exchange next proposes to amend the fees applicable to non-contiguous intrafirm cabinet connectivity. As discussed above, with respect to non-contiguous intrafirm cabinet connectivity, today customers can order such services as a standard Fiber connection under Rule General 8, Section 1(b) for an installation fee of \$550 and no ongoing monthly fee. Alternatively, customers can choose a custom installation for an installation-specific price as provided under the Custom Installation provision under Rule General 8, Section 1(d).

The Exchange now proposes to restructure and amend the fees for such service. Specifically, the Exchange

proposes to charge an ongoing monthly fee of \$385.00 for a single non-contiguous intrafirm cabinet cross-connect. For customers seeking multiple cross-connects, the Exchange would offer bundled monthly pricing of \$450.00 for 6 cross-connects, \$540.00 for 12 cross-connects, \$630.00 for 18 cross-connects, and \$720.00 for 24 cross-connects.<sup>8</sup> The Exchange would not charge an installation fee for the service.<sup>9</sup> As proposed, customers would no longer have the option of ordering such service under Rule General 8, Section 1(d).<sup>10</sup>

The Exchange is proposing no other changes to Rule General 8.

The Exchange believes that the proposed fees are reasonable because they reflect the Exchange's investment in, and ongoing provision, auditing, administration, and maintenance of, the fiber and related infrastructure necessary to provide non-contiguous

intrafirm cabinet connectivity within the Exchange's data center campus, including the Exchange's responsibility for furnishing, inventorying, monitoring, and maintaining the relevant connectivity infrastructure in a manner consistent with its data center integrity controls.

The Exchange also believes that the proposed fees are reasonable because they compare favorably to the fees charged by another national securities exchange for a similar connectivity offering. As discussed below, the Exchange's proposed monthly fees are lower than those charged by the New York Stock Exchange ("NYSE") at each comparable service level, and the Exchange would not charge any installation fee for the service.<sup>11</sup> The Exchange believes that this comparison provides an objective external benchmark supporting the reasonableness of the proposed fee levels.

Specifically, NYSE offers Data Center Fiber Cross Connect<sup>12</sup> and charges a \$500 initial charge plus a \$600 monthly charge for a single cross-connect. For a bundle of six cross-connects, NYSE charges a \$500 initial charge plus a \$1,800 monthly charge. For a bundle of 12 cross-connects, NYSE charges a \$500 initial charge plus a \$3,000 monthly charge. For a bundle of 18 cross-connects, NYSE charges a \$500 initial installation fee and a \$3,800 monthly charge. For a bundle of 24 cross-connects, NYSE charges a \$500 initial charge plus a \$4,680 monthly charge.

By comparison, the Exchange proposes to charge no installation fee and lower monthly fees at each comparable service level. For a single cross-connect, the Exchange's proposed monthly fee of \$385.00 is \$215.00 lower than NYSE's \$600.00 monthly fee, and the Exchange would not charge NYSE's \$500 initial fee. For a bundle of six cross-connects, the Exchange's proposed monthly fee of \$450.00 is \$1,350.00 lower than NYSE's \$1,800.00 monthly fee, again with no installation fee. For a bundle of 12 cross-connects, the Exchange's proposed monthly fee of \$540.00 is \$2,460.00 lower than NYSE's \$3,000.00 monthly fee, also with no installation fee. For a bundle of 18 cross-connects, the Exchange's proposed monthly fee of \$630 is \$3,170 lower than NYSE's \$3,800.00 monthly fee. For

<sup>8</sup> To effectuate these changes, the Exchange proposes to amend Rule General 8, Section 1(b) as follows. First, the Exchange would insert, immediately after the bullet titled "TNO Cross Connect," a new bullet titled "Intrafirm Cabinet Connectivity." Second, the Exchange proposes to insert a note designated with a triple asterisk ("\* \* \*") adjacent to that description, together with its accompanying note text to read as follows: "Applicable only to non-contiguous, same-customer-licensed intrafirm-cabinet connectivity that traverses shared data center space; not applicable to contiguous, same-customer-licensed intrafirm-cabinet connectivity that does not traverse shared data center space." Third, the Exchange would insert, where the column titled "Installation Fee" intersects the description of the proposed Intrafirm Cabinet Connectivity, the figure "\$0". Finally, the Exchange would insert, where the column titled "Ongoing Monthly Fee" intersects the description of the proposed service, the various offerings for 1 and up to 24 cross-connects, including their associated fees, as described herein. The Exchange believes these proposed changes are appropriate to reflect that non-contiguous Intrafirm Cabinet connectivity would be expressly identified under Section 1(b) of Rule General 8, as proposed, and to conform Section 1(b) of that Rule accordingly. See proposed Rule General 8.

<sup>9</sup> The Exchange would not charge a separate installation fee because the proposed monthly fees are designed to reflect the Exchange's ongoing provision, inventorying, monitoring, auditing, and maintenance of the service. The Exchange also believes that bundled pricing is reasonable because non-contiguous intrafirm cabinet cross-connects are generally provisioned in increments of six, allowing the Exchange to provision, inventory, and administer bundled cross-connects more efficiently than separately ordered single cross-connects. As proposed, the Exchange would charge the corresponding proposed fees to established customers only upon implementation of the proposed rule changes. Upon implementation of the proposed changes, new customers would be charged the corresponding proposed fees on an ongoing monthly basis.

<sup>10</sup> To effect this change, the Exchange proposes to insert a footnote (designated with a double asterisk) at the conclusion of Section 1(d) of Rule General 8, to provide that Custom Installation Services are not available for Intra-Firm Cabinet Connectivity under Section 1(b) of Rule General 8. See proposed Rule Section 1(d) of Rule General 8.

<sup>11</sup> To the best of the Exchange's knowledge, the NYSE service discussed herein is comparable in all material respects to the service proposed herein.

<sup>12</sup> See New York Stock Exchange LLC, *Connectivity Fee Schedule* (Mar. 27, 2026) (setting forth fees for Data Center Fiber Cross Connect), available at [https://www.nyse.com/publicdocs/nyse/Wireless\\_Connectivity\\_Fees\\_and\\_Charges.pdf](https://www.nyse.com/publicdocs/nyse/Wireless_Connectivity_Fees_and_Charges.pdf).

installed, maintained, and accessed, consistent with its responsibility for the operation and integrity of its facilities.

a bundle of 24 cross-connects, the Exchange's proposed monthly fee of \$720.00 is \$3,960.00 lower than NYSE's \$4,680.00 monthly fee, likewise with no installation fee. The Exchange believes that this comparison demonstrates that its proposed fees are materially lower than the fees charged by another national securities exchange for a similar connectivity service, thereby supporting the reasonableness of the proposed fee levels.

#### Implementation

The Exchange proposes to implement the proposed changes on or about the second quarter of 2026. The Exchange will announce the specific implementation date via Nasdaq's Customer Portal.

#### 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>13</sup> in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>14</sup> in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among members, issuers, and other persons using Exchange facilities, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's data center connectivity infrastructure supports access to the Exchange and related services, and the Exchange has a legitimate interest in maintaining robust controls over the physical connectivity components within its data center halls. By requiring non-contiguous intrafirm cabinet connectivity to be furnished, inventoried, monitored, audited, and maintained directly by the Exchange, the proposal would enhance the Exchange's ability to maintain consistent operational standards, identify and remediate issues, preserve accurate records of deployed connectivity, and reduce operational risks associated with connectivity infrastructure that is provided or maintained outside the Exchange's direct administration.

Although the proposal would affect the ability of third parties to provide non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls,<sup>15</sup> the Exchange believes that this limitation is justified by the

Exchange's need to maintain oversight of the connectivity infrastructure within its data center environment. The Exchange believes that permitting multiple providers to provide or maintain such infrastructure would reduce the Exchange's ability to apply uniform inventory, maintenance, audit, monitoring, and troubleshooting standards to connectivity components located within its data center halls. Given the role of such infrastructure in supporting access to the Exchange's facilities, the Exchange believes it is appropriate to require that non-contiguous intrafirm cabinet connectivity be provided directly by the Exchange in order to promote consistent operational controls, enhance auditability, and support the integrity and reliability of the Exchange's data center connectivity environment.

The Exchange believes that the proposed fees for non-contiguous intrafirm cabinet connectivity are reasonable because they reflect the Exchange's investment in, and ongoing provision, auditing, administration, and maintenance of, the fiber and related infrastructure necessary to provide that connectivity within the Exchange's data center campus. As discussed above, the Exchange is standardizing and directly administering this connectivity service as part of its broader efforts to enhance the integrity, consistency, and oversight of its data center infrastructure.

The Exchange also believes that the proposed bundled pricing is reasonable and equitably allocated because non-contiguous intrafirm cabinet cross-connects are generally provisioned in increments of six. Accordingly, the bundled rates reflect the operational efficiencies associated with provisioning, inventorying, monitoring, auditing, and maintaining multiple cross-connects as a set rather than as separately ordered single cross-connects. The bundled options would be available to all similarly situated customers on equal terms, and customers that require only a single cross-connect could continue to purchase the service at the single-cross-connect rate.

The Exchange also believes that the proposed fees are reasonable because they compare favorably to the fees charged by another national securities exchange for a similar connectivity offering. As discussed above, NYSE charges a \$500 initial fee plus a \$600 monthly fee for a single Data Center Fiber Cross Connect, as well as substantially higher monthly fees for bundled options, whereas the Exchange would charge no installation fee and lower monthly fees at each comparable

service level. The Exchange believes that NYSE's pricing for a similar connectivity offering provides a useful external benchmark supporting the conclusion that the proposed fees are reasonable.

The Exchange further believes that the proposed fees represent an equitable allocation of reasonable fees and are not unfairly discriminatory because they would apply uniformly to all similarly situated customers that obtain non-contiguous intrafirm cabinet connectivity. As discussed above, all Exchange data center customers seeking non-contiguous intrafirm cabinet connectivity services would have to obtain such service directly from the Exchange. Thus, all customers seeking that service would be subject to the same fee schedule, and each bundled option would be available on equal terms to any customer that elects the relevant service level. To the extent the proposal provides different pricing based on the number of cross-connects purchased, that distinction is based solely on volume and would apply equally to all customers.

The Exchange also believes that the proposal to identify non-contiguous intrafirm cabinet connectivity expressly within Rule General 8, Section 1(b) is consistent with the Act because it would make the Exchange's fee schedule clearer and more transparent by expressly listing a service that has long been available as part of the Exchange's connectivity offerings. The proposal would thus make the schedule more informative for customers seeking connectivity services within the Exchange's data center campus.

Finally, the Exchange does not believe that the proposal is designed to permit unfair discrimination because the service is offered to customers that require connectivity between their own cabinets within the Exchange's data center campus, and the proposed fees would apply uniformly to all such customers. Customers that do not require the service would not be charged the fee, and customers that do require the service would be charged on the same terms.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed fees would apply uniformly to all customers that request non-contiguous intrafirm cabinet connectivity. The Exchange recognizes that, under the proposal, customers

<sup>13</sup> 15 U.S.C. 78f(b).

<sup>14</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>15</sup> The Exchange notes that, as proposed, third parties would not be precluded from offering installation services for the proposed offering. The fiber connectivity itself, however, would be furnished inventoried, monitored, audited, and maintained directly by the Exchange.

seeking non-contiguous intrafirm cabinet connectivity within the Exchange's data center halls would be required to obtain that fiber connectivity from Nasdaq, and third parties would no longer be permitted to provide such non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls. The Exchange believes that any resulting impact on competition is necessary and appropriate in furtherance of the purposes of the Act because the requirement is designed to support a standardized, centrally administered, monitored, and auditable connectivity environment within the Exchange's data center campus. The Exchange believes that administering this connectivity directly would improve its ability to inventory, maintain, troubleshoot, and monitor the relevant fiber infrastructure, thereby promoting reliability and operational integrity.

The Exchange recognizes that the proposal may affect competition among providers of intrafirm cabinet connectivity because third parties would no longer be permitted to provide non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls. The Exchange believes, however, that any such burden is necessary and appropriate in furtherance of the purposes of the Act because the limitation is directly tied to the Exchange's responsibility to maintain the integrity, reliability, and auditability of the physical connectivity infrastructure within its data center environment. Non-contiguous intrafirm cabinet connectivity traverses shared data center space and forms part of the physical infrastructure supporting access and connectivity within the Exchange's facilities.<sup>16</sup> The Exchange believes that permitting such connectivity to be furnished or maintained by multiple third parties would impair the Exchange's ability to apply uniform standards for provisioning, inventory control, maintenance, monitoring, troubleshooting, and auditability.

The Exchange also does not believe that the proposed fees would impose an

undue burden on competition among customers because the fees would apply on an equal basis to all similarly situated customers and are lower than fees charged by NYSE for a comparable connectivity offering. The Exchange believes that the proposed service is substantively comparable to the NYSE offering used for comparison purposes and therefore believes that the comparison supports the conclusion that the proposed fee levels are within a reasonable range and are not unduly burdensome for customers that purchase the service.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>17</sup> At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-Phlx-2026-45 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-Phlx-2026-45. This file

number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-Phlx-2026-45 and should be submitted on or before August 12, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>18</sup>

**Sherry R. Haywood,**  
*Assistant Secretary.*

[FR Doc. 2026-14746 Filed 7-21-26; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

**[OMB Control No. 3235-0122]**

**Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 17a-10**

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in Rule 17a-10 (17 CFR 240.17a-10), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) ("Exchange Act"). The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

The primary purpose of Rule 17a-10 is to obtain the economic and statistical data necessary for an ongoing analysis of the securities industry. Paragraph (a)(1) of Rule 17a-10 generally requires broker-dealers that are exempted from the requirement to file monthly and quarterly reports pursuant to paragraph

<sup>16</sup> The Exchange also believes that the proposal is appropriately tailored because it applies only to non-contiguous intrafirm cabinet fiber connectivity within the Exchange's data center halls. It does not restrict customer-directed contiguous cabling between adjacent cabinets licensed to the same customer where such cabling does not traverse shared data center space, nor does it affect services outside the scope of the proposed rule change. Accordingly, any burden on third-party providers is limited to the specific connectivity arrangement for which the Exchange has determined that direct administration is necessary to support consistent controls and operational integrity within its data center environment.

<sup>17</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>18</sup> 17 CFR 200.30-3(a)(12).

(a) of Exchange Act Rule 17a-5 (17 CFR 240.17a-5) to file with the Commission the Facing Page, a Statement of Income (Loss), and balance sheet from Part IIA of Form X-17A-5<sup>1</sup> (17 CFR 249.617), and Schedule I of Form X-17A-5 not later than 17 business days after the end of each calendar year.

Paragraph (a)(2) of Rule 17a-10 requires a broker-dealer subject to Rule 17a-5(a) to submit Schedule I of Form X-17A-5 with its Form X-17A-5 for the calendar quarter ending December 31 of each year.

Paragraph (b) of Rule 17a-10 provides that the provisions of paragraph (a) do not apply to members of national securities exchanges or registered national securities associations that maintain records containing the information required by Form X-17A-5 and which transmit to the Commission copies of the records pursuant to a plan, the policies and procedures of which have been declared effective by the Commission.

The Commission staff estimates that the current hour burden under Rule 17a-10 is approximately 38,688 hours per year and the current cost burden is \$0.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to [PaperworkReductionAct@sec.gov](mailto:PaperworkReductionAct@sec.gov) by September 21, 2026.

<sup>1</sup> Form X-17A-5 is the Financial and Operational Combined Uniform Single Report ("FOCUS Report"), which is used by broker-dealers to provide certain required information to the Commission.

Dated: July 17, 2026.

**Sherry R. Haywood,**

*Assistant Secretary.*

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**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34-105936; File No. SR-CBOE-2026-032]**

### **Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified and Superseded by Amendment No. 1, To Amend Its Rules Related to Binary Options**

July 17, 2026.

#### **I. Introduction**

On April 2, 2026, Cboe Exchange, Inc. ("Exchange" or "Cboe") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 ("Act")<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> a proposed rule change that would permit the Exchange to list binary options on any index upon which it may list traditional, non-binary options; permit A.M.- and P.M.-settlement for all binary index options traded on the Exchange; and amend the position limits applicable to binary index options traded on the Exchange such that, among other things, the limits would apply on a per-expiration basis. The proposed rule change was published for comment in the **Federal Register** on April 20, 2026.<sup>4</sup> On June 2, 2026, pursuant to Section 19(b)(2)(A)(ii)(I) of the Act,<sup>5</sup> the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.<sup>6</sup> On July 13, 2026, the Exchange submitted Amendment No. 1 to the proposed rule change, which amended and superseded the proposed rule change in its

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

<sup>4</sup> See Securities Exchange Act Release No. 105247 (Apr. 15, 2026), 91 FR 21045 ("Notice").

<sup>5</sup> See 15 U.S.C. 78s(b)(2)(A)(ii)(I).

<sup>6</sup> See Securities Exchange Act Release No. 105599, 91 FR 34260 (June 5, 2026). The Commission designated July 19, 2026, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

entirety.<sup>7</sup> The Commission received comment on the proposal.<sup>8</sup> The Commission is publishing this Notice and Order to solicit comment on Amendment No. 1 in Sections II and III below, which sections are being published verbatim as filed by the Exchange, and to approve the proposed rule change, as modified and superseded by Amendment No. 1, on an accelerated basis.

#### **II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") proposes to amend its Rules related to binary options. The Exchange initially submitted this rule filing SR-CBOE-2026-032 on April 2, 2026 (the "Initial Rule Filing"). This Amendment No. 1 supersedes the Initial Rule Filing and replaces it in its entirety. This Amendment No. 1 narrows the scope of the proposed rule change from permitting binary options to be listed on any non-broad-based index to the Cboe Magnificent 10 Index and to provide additional support for the proposal. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website ([https://www.cboe.com/us/options/regulation/rule\\_filings/cone/](https://www.cboe.com/us/options/regulation/rule_filings/cone/)), and at the principal office of the Exchange.

#### **III. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

<sup>7</sup> Amendment No. 1 to the proposed rule change is available at: <https://www.sec.gov/comments/SR-CBOE-2026-032/srcboe2026032-958479-2960146.pdf>.

<sup>8</sup> Comment on the proposal is available at: <https://www.sec.gov/comments/SR-CBOE-2026-032/srcboe2026032-957159-2956266.pdf>.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend its Rules related to binary options. Binary options are based on the same framework as traditional, standardized options traded on the Exchange, except the payout of a binary option is an amount contingent upon the occurrence of the option being in- or at-the-money rather than the degree to which the option is in-the-money. As a result, payout at expiration of a binary option is an all-or-nothing occurrence. Current Rule 4.16 permits the Exchange to list binary options on broad-based indexes.<sup>9</sup> Current Rule 4.16(b) defines a binary option as a European-style option contract having an exercise settlement amount<sup>10</sup> that is established at the creation of the option. Under current Rules, binary options are paid out if the settlement value<sup>11</sup> of the underlying broad-based index equals, exceeds, or is less than the exercise price, depending

<sup>9</sup> Pursuant to current Rule 4.16(a), Rule 4.16 applies to binary options only, and all Rules apply to the trading of binary options, except as otherwise provided or the context otherwise requires.

<sup>10</sup> The exercise settlement amount for a binary option is the amount of cash that a holder will receive upon exercise of the contract. The exercise settlement amount is a set amount equal to the exercise settlement value multiplied by the contract multiplier. The exercise settlement value will be an amount determined by the Exchange on a class-by-class basis and shall be equal to \$1 or \$1,000 or a value between those values, unless otherwise adjusted per Rule 4.6. See current Rule 4.16(b) (definition of "exercise settlement amount"). Pursuant to current Rule 4.16(f), binary option contracts are subject to adjustment only in accordance with and to the extent specified in the By-Laws and Rules of The Options Clearing Corporation ("OCC"). The contract multiplier is the multiple applied to the exercise settlement value to arrive at the total exercise settlement amount per contract, which is established on a class-by-class basis and shall be at least one. See current Rule 4.16(b) (definition of "contract multiplier").

<sup>11</sup> The settlement value for a binary option is the value of the underlying broad-based index that is used to determine whether a binary option is in, at, or out of the money. For binary options on a broad-based index on which traditional options on the same broad-based index are A.M.-settled, the "settlement value" is the reported opening level of such index as derived from the prices of the underlying securities on such day and as reported by the Reporting Authority for the index. For binary options on a broad-based index on which traditional options on the same broad-based index are P.M.-settled, the "settlement value" is the reported closing level of such index as derived from the prices of the underlying securities on such day and as reported by the Reporting Authority for the index. See current Rule 4.16(b) (definition of "settlement value"). Binary options that are "at-the-money," "in-the-money," or "out-of-the-money" are a function of the settlement value of the underlying broad-based index in relation to the type of binary option (*i.e.*, put or call) and the exercise price. See current Rule 4.16(e).

on the type of option (*i.e.*, call or put). A call binary option is an option contract that returns an exercise settlement amount if the settlement value of the underlying broad-based index is at or above the exercise price<sup>12</sup> at expiration (*i.e.*, in- or at-the-money), while a put binary option is an option contract that returns an exercise settlement amount if the settlement value of the underlying broad-based index is below the exercise price at expiration (*i.e.*, in-the-money).<sup>13</sup> The Exchange designates binary options as to expiration date, exercise price, exercise settlement amount, contract multiplier, and underlying broad-based index.<sup>14</sup>

Currently, the Exchange may from time to time approve for listing and trading on the Exchange binary option contracts on a broad-based index that has been selected in accordance with Rule 4.10 and the Interpretations and Policies thereunder.<sup>15</sup> The Exchange may add new series of options of the same class as provided for in Rule 4.13 and the Interpretations and Policies thereunder. Additional series of the same binary option class may be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly market or to meet customer demand (the opening of a new series of binary options on the Exchange will not affect any other series of options of the same class previously opened).<sup>16</sup> After a particular binary option class has been approved for listing and trading on the Exchange, the Exchange from time to time may open for trading series of options on that class. In order to afford investors maximum flexibility, binary option series may expire from one day up to 36 months from the time they are listed.<sup>17</sup> Binary options will be quoted based on the existing strike intervals utilized for traditional, non-binary index options<sup>18</sup> with minimum price variations,

<sup>12</sup> With respect to a binary option, the exercise price is the value to which the settlement value of the underlying broad-based index is compared to determine whether the holder of a binary option is entitled to have the option be paid out. See current Rule 4.16(b) (definition of "exercise price").

<sup>13</sup> See current Rule 4.16(b) (definitions of "call binary option" and "put binary option").

<sup>14</sup> See Rule 4.16(c)(2).

<sup>15</sup> See current Rule 4.16(c)(1). Binary options are a separate class from other options overlying the same broad-based index. The maintenance listing standards with respect to options on broad-based indexes set forth in Rule 4.10 and the Interpretations and Policies thereunder apply to binary options on broad-based indexes as well. See Rule 4.16(d).

<sup>16</sup> See current Rule 4.16(c)(4).

<sup>17</sup> See current Rule 4.16(c)(3).

<sup>18</sup> See Rule 4.13, including Interpretation and Policy .01.

established by class, to be no less than \$0.01.<sup>19</sup>

The proposed rule change moves the Rule provisions regarding binary options from current Rule 4.16 to new Chapter 4, Section H, which section will relate specifically to binary index options. Specifically, the proposed rule change:<sup>20</sup>

- moves current Rule 4.16(a) to the introductory language for proposed Section H;
- moves the defined terms in current Rule 4.16(b) to proposed Rule 4.70;
- moves the provisions from current Rule 4.16(c)(1) and (d) regarding the listing and maintenance criteria for binary index options to Rule 4.71(a);
- moves the provision regarding binary index options being a separate class from the traditional options with the same underlying from current Rule 4.16(c)(1) to Rule 4.71(b);
- moves the provision regarding the designated terms of binary index options from current Rule 4.16(c)(2) to the introductory language of proposed Rule 4.72;<sup>21</sup>
- moves the provision regarding settlement of binary index options from current Rule 4.16(b) (the provision that binary index options have European-style settlement) and 4.16(c)(2) to proposed Rule 4.72(a);
- moves the provision regarding permissible expirations of binary index options from current Rule 4.16(c)(3) to proposed Rule 4.72(b);
- moves the provision regarding additional series of binary index options from current Rule 4.16(c)(4) to proposed Rule 4.72(c);
- moves the provision regarding the determination of the settlement value from current Rule 4.16(e) to proposed Rule 4.73;
- moves the provision regarding adjustment of binary index options from current Rule 4.16(f) to proposed Rule 4.74;
- moves the provision regarding the availability of Flexible Exchange ("FLEX") options for binary index options from current Rule 4.16(g) to proposed Rule 4.21(c); and

<sup>19</sup> See Rule 5.4(c)(1).

<sup>20</sup> In addition to substantive changes to current Rule 4.16 described below, the proposed rule change made nonsubstantive changes to simplify the current provisions (including eliminate redundancies) and make the provisions more plain English, as well as to clarify that these provisions apply to binary index options. The proposed rule change also adds an example of how the exercise settlement amount is calculated.

<sup>21</sup> The Exchange deleted from current Rule 4.16(c)(2) the provision stating only binary option contracts approved by the Exchange and currently open for trading on the Exchange may be purchased or sold on the Exchange, as that is a general, true of all options approved for listing on the Exchange.

- moves the provision regarding position limits for binary index options to Rules 8.35(e) and 8.36.

While there is no current definition of the term “market capitalization ratio” in the Rules, that term is effectively defined in current Rule 8.36(b) as the ratio of the market capitalization of a broad-based index underlying a binary index option to the market capitalization of the S&P 500 Index. The proposed rule change creates a defined term of “market capitalization ratio” in proposed Rule 4.70, which means the ratio of the market capitalization of an index to the market capitalization of the S&P 500 Index. This is equivalent to the meaning of that term in the current Rules but expanded to apply to any index rather than just broad-based index, as the proposed Rules regarding all binary index options reference that term.

The proposed rule change also adds a definition of “binary option” to Rule 1.1. Specifically, the proposed rule change defines “binary option” as an option contract having an exercise settlement amount that is established at the creation of an option and only two possible payoff outcomes: either a fixed amount equal to the exercise payout amount or nothing at all. Unless the context otherwise requires, references in the Rules to binary options apply to binary index options. This is consistent with the current definition of binary option in current Rule 4.16(b) and provides additional detail regarding how binary options work. The proposed definition is also consistent with the definition of binary option in the Options Disclosure Document.<sup>22</sup>

In addition to the relocation of and nonsubstantive changes to the provisions of current Rule 4.16 regarding binary index options as described above, the proposed rule change amends the current Rules regarding the availability of binary index options to (1) permit the listing of binary options on the Cboe Magnificent 10 Index; and (2) permit A.M.-settlement and P.M.-settlement for all binary index options.

First, the proposed rule change would make binary index options available on the Cboe Magnificent 10 Index (in addition to broad-based indexes). Currently, the Exchange may list binary index options only on broad-based index options. Proposed Rule 4.71(a) provides that the Exchange may from time to time approve for listing and

trading on the Exchange binary option contracts on a broad-based index that satisfies the initial listing criteria in Rule 4.10 and the Interpretations and Policies thereunder and on the Cboe Magnificent 10 Index. The Exchange may currently list traditional (*i.e.*, non-binary) options on the Cboe Magnificent 10 Index (“MGTN options”) pursuant to Rule 4.10(b).<sup>23</sup> The Exchange believes being able to list binary MGTN options will provide more investors with access to a securities exchange-listed product with the simplified, limited risk structure of binary index options.

Second, the Exchange proposes to amend the Rules regarding permissible settlements of binary index options. Pursuant to proposed Rule 4.72(a), the Exchange may designate binary index options as A.M.-settled or P.M.-settled. Current Rule 4.16(c)(2) provides that binary index options on broad-based index options for which traditional (*i.e.*, non-binary) options on the same broad-based index are A.M.-settled will be A.M.-settled, and binary index options on broad-based indexes for which traditional options on the same broad-based index are P.M.-settled will be P.M.-settled. Currently, nearly all of the traditional broad-based index options the Exchange lists for trading and MGTN options can be both A.M.-settled and P.M.-settled.<sup>24</sup> Therefore, current Rule 4.16 would permit the Exchange to list A.M.-settled and P.M.-settled binary index options overlying most broad-based indexes on which the Exchange lists non-binary options. Permitting both A.M.- and P.M.-settlement for binary

index options for all broad-based indexes and the Cboe Magnificent 10 Index will afford investors further flexibility (coupled with the flexibility of permissible expirations, as noted above) with respect to their investment strategies, regardless of the index option market in which investors participate. Additionally, the Exchange believes it is appropriate to be able to list A.M.- and P.M.-settled binary index options to provide investors with the same flexibility currently available for similar products currently available on other trading platforms (as further discussed below).

In connection with the proposed rule change described above to permit P.M.-settlement for all binary index options, the Exchange proposes to amend Rule 5.1(b)(2)(C) to provide that on their last trading day, Regular Trading Hours (“RTH”) for P.M.-settled binary index options may be effected on the Exchange between 9:30 a.m. and 4:00 p.m.<sup>25</sup> (as opposed to the 9:30 a.m. to 4:15 p.m. RTH for non-expiring binary index options).<sup>26</sup> The primary listing markets for the component securities comprising the indexes underlying options listed on the Exchange close trading in those securities at 4:00 p.m. The primary listing exchanges for the component securities disseminate closing prices for the component securities, which are used to calculate the exercise settlement value of these indexes. The Exchange believes that, under normal trading circumstances, the primary listing markets have sufficient bandwidth to prevent any data queuing that may cause any trades that are executed prior to the closing time from being reported after 4:00 p.m. If trading in expiring P.M.-settled binary index options continued an additional fifteen minutes until 4:15 p.m. on their last trading day, these expiring options would be trading after the exercise settlement value for those expiring options was calculated. Therefore, in order to mitigate potential investor confusion and the potential for increased costs to investors as a result of potential pricing divergence at the end of the trading day, the Exchange believes it is appropriate to cease

<sup>23</sup> Pursuant to proposed Rule 4.21(c) (as is the case today for binary index options on broad-based indexes pursuant to current Rule 4.16(g)), binary options on indexes that are eligible for trading on the Exchange will be eligible for trading as FLEX options (as provided for in Chapter 4, Section C), even if the Exchange does not list and trade non-FLEX binary options or non-FLEX traditional options on such index. For purposes of Rule 4.21, the applicable exercise settlement value is designed by the parties to the contract, the parties may not designate an exercise style other than European-style, and the term “index multiplier” refers to the contract multiplier.

<sup>24</sup> See Rule 4.13(a)(4), (e), and Interpretation and Policy .13. Currently, the Exchange lists the following index options: S&P 500 Index options (“SPX options”), Mini-S&P 500 Index options (“XSP options”), S&P 500 Scored and Screened Index (“SPESG options”), Mini-S&P 500 Equal Weight Index Options (“SPEQX options”), Cboe Volatility Index Options (“VIX options”), Dow Jones Industrial Average options (“DJX options”), S&P 100 Index options (“OEX options”), Russell 2000 Index options (“RUT options”), Mini-Russell 2000 Index options (“MRUT options”), Cboe Bitcoin U.S. ETF Index options (“CBTX options”), Cboe Mini Bitcoin U.S. ETF Index options (“MBTX options”), and the Cboe Magnificent 10 Index options (“MGTN options”). All of these index options may have A.M.-settled series and P.M.-settled series except OEX options (P.M.-settled only) and VIX options (A.M.-settled only).

<sup>25</sup> All times set forth in this rule filing are Eastern Time.

<sup>26</sup> The Exchange notes that pursuant to Rule 5.1(b)(2)(G), RTH for binary index options are the same as the RTH for options with the same underlying index. Additionally, pursuant to Rule 5.1(c) and (d), if the Exchange designates a class of index options as eligible for trading during Global Trading Hours and Curb Trading Hours, respectively, binary index options with the same underlying index are also deemed eligible for trading during Global Trading Hours and Curb Trading Hours.

<sup>22</sup> See Options Disclosure Document at 8, available at <https://www.theocc.com/getcontentasset/a151a9ae-d784-4a15-bdeb-23a029f50b70/dfc3d011-8f63-43f6-9ed8-4b444333a1d0/riskstoc.pdf>.

trading in the expiring P.M.-settled binary index options at 4:00 p.m., which is currently the case for P.M.-settled non-binary index options. The Exchange does not believe the proposed rule change will impact volatility on the underlying cash market comprising the indexes at the close on expiration days, as it already closes trading on the last trading day for expiring P.M.-settled non-binary index options overlying the same indexes at 4:00 p.m. The Exchange does not believe this has had an adverse impact on fair and orderly markets on expiration days for the underlying securities comprising the corresponding indexes.

The Exchange currently only lists P.M.-settled OEX options. As is the case for other index options (except VIX options), the settlement value for P.M.-settled OEX options is the closing value of the index value on the expiration date. The Exchange began listing OEX options for trading prior to the Exchange's adoption of listing rules for index options (as set forth in Rule 4.10), and when the Exchange began listing OEX options, the Exchange designated them as P.M.-settled, which was the standard settlement type of index options at the time. Like all other traditional P.M.-settled index options the Exchange lists for trading, the settlement value of OEX options is the closing value of the underlying index on the expiration date. The settlement value for binary OEX options (if the Exchange were to determine to list them) would be determined in the same manner as all other binary index options (both A.M.-settled and P.M.-settled) — specifically, the opening or closing value, respectively, of the index on the expiration date would be the settlement value. Permitting the Exchange to list both A.M.-settled and P.M.-settled binary OEX options would provide investors with the same flexibility for binary options on this index that would be available to all other binary broad-based index options on which the Exchange may currently list binary index options (other than VIX options).

As noted above, VIX options are currently A.M.-settled only. The settlement value for these options is calculated as a special opening quotation using a modified opening auction process on exercise settlement value determination days pursuant to Rules 4.13(a)(5)(B) and 5.31(j). This is different than other index options, for which the settlement value is the

current index value at the expiration of the option (either the opening value (if A.M.-settled) or the closing value (if P.M.-settled) of the index on the expiration date). It is for this reason VIX options are currently only A.M.-settled. However, binary VIX options, as proposed, may be A.M.-settled or P.M.-settled because the settlement value for binary VIX options will be, like all other binary index options, the reported opening or closing level of the underlying index (and therefore not calculated pursuant to a special quotation). This is consistent with the current binary index option rules today that state the settlement value for all binary index options that are A.M.-settled will be the reported opening level of the underlying index, which applies to binary VIX options. Therefore, the Exchange believes it is appropriate to permit the listing of binary VIX options that are P.M.-settled.

The Exchange also proposes to amend the position limits for binary options in Rule 8.36. Current Rule 8.36 provides that the position limit for binary options on a broad-based index will be 15,000 contracts if the exercise settlement is \$10,000 (or 15,000 times the ratio of 10,000 to the exercise settlement amount if the exercise settlement amount is not \$10,000) if traditional (*i.e.*, non-binary) options on the same broad-based index have no position limit pursuant to Rule 8.31. For binary options on a broad-based index for which traditional options on the same broad-based index do have a position limit pursuant to Rule 8.31, the position limit for the binary index option (if the exercise settlement amount is \$10,000) is:

- 10,000 contracts if the market capitalization ratio for the index is greater than or equal to 0.50;
- 5,000 contracts if the market capitalization ratio is less than 0.50 but greater than or equal to 0.25; or
- 2,500 contracts if the market capitalization ratio is less than 0.25 but greater than or equal to 0.10.<sup>27</sup>

For binary options that have an exercise settlement amount that is not equal to \$10,000, the position limit is the ratio of 10,000 to the exercise

<sup>27</sup> The rule provides that the Exchange would need to seek approval from the Securities and Exchange Commission (the "Commission") prior to establishing position limits for binary options on broad-based indexes that have a market capitalization ratio that is less than 0.10.

settlement amount multiplied by the applicable amount set forth above.

The proposed rule change expands the fixed and formulaic limits to all indexes that may underlie binary options as proposed (*i.e.*, all broad-based indexes (as currently permitted) and the Cboe Magnificent 10 Index) and applies the proposed position limits on an expiration basis.<sup>28</sup> Specifically, the proposed rule change amends Rule 8.36(a) to provide that the position limit for binary options for which the traditional options on the same index have no position limit pursuant to Rules 8.30 through 8.32, as applicable,<sup>29</sup> is the number of contracts equal to 15,000 times the ratio of 10,000 to the exercise settlement amount per expiration.<sup>30</sup> The proposed rule change amends Rule 8.36(b) to provide that for binary options for which traditional options on the same index have a position limit pursuant to Rules 8.30 through 8.32, as applicable, the position limit is the number of contracts equal to the ratio of 10,000 to the exercise settlement amount multiplied by the number of contracts set forth in the table below (based on the market capitalization ratio of the underlying index) per expiration:<sup>31</sup>

| Market capitalization ratio of underlying              | Number of contracts |
|--------------------------------------------------------|---------------------|
| Greater than or equal to 0.50                          | 10,000              |
| Less than 0.50 but greater than or equal to 0.25 ..... | 5,000               |
| Less than 0.25 but greater than or equal to 0.10 ..... | 2,500               |

For reference, the table below sets forth the approximate market capitalizations that would equate to the above ratios based on a market capitalization of the S&P 500 Index of \$62.5 trillion as of February 20, 2026:

<sup>28</sup> The proposed rule change also makes nonsubstantive changes to simplify the rule language.

<sup>29</sup> Rules 8.31 and 8.32 provide position limits for broad-based and narrow-based index options, respectively, the Exchange may list for trading.

<sup>30</sup> For example, if the binary option exercise settlement amount is \$10,000, then the position limit is 15,000 contracts per expiration; if the binary option exercise settlement amount is \$1,000, then the position limit is 150,000 contracts per expiration; and if the binary option exercise settlement amount is \$12,000, then the position limit is 12,500 contracts per expiration.

<sup>31</sup> Pursuant to current and proposed Rule 8.36(b), to the Exchange will seek Commission approval prior to establishing position limits for binary options on broad-based indexes that have a Market Capitalization Ratio less than 0.10..

| Market capitalization ratio of underlying              | Range of underlying market capitalizations                              | Number of contracts |
|--------------------------------------------------------|-------------------------------------------------------------------------|---------------------|
| Greater than or equal to 0.50 .....                    | Greater than or equal to \$31.3 trillion .....                          | 10,000              |
| Less than 0.50 but greater than or equal to 0.25 ..... | Less than \$31.3 trillion but greater than or equal to \$15.6 trillion. | 5,000               |
| Less than 0.25 but greater than or equal to 0.10 ..... | Less than \$15.6 trillion but greater than or equal to \$6.3 trillion   | 2,500               |

Pursuant to current Rule 8.36(c), positions in binary options on the same broad-based index with different exercise settlement amounts will be aggregated with each other and, pursuant to current Rule 8.36(d), will not be aggregated with non-binary option contracts on the same broad-based index. The proposed rule change amends these provisions to apply to all binary index options. Therefore, pursuant to proposed Rule 8.36(d), binary index options, which include binary options on any broad-based index and the Cboe Magnificent 10 Index as proposed, will not be aggregated with non-binary options on the same index.<sup>32</sup>

Current Rule 8.36(f) provides that binary options are not subject to the hedge exemption to the standard position limits in Rule 8.30 and instead exempts certain qualified hedge exemption strategies and positions from the position limits established in Rule 8.36(a) and (b). The proposed rule change amends Rule 8.36(f) to provide that notwithstanding Rules 8.36(a) and (b), position limits for the hedged positions and strategies defined below are equal to five times the position limit established under proposed Rule 8.36(a) and (b). In other words, the proposed rule change imposes a position limit on these hedged positions and strategies higher than the position limit for non-hedged positions and strategies but no longer fully exempts them from position limits, as is the case under current Rules. As proposed, this same higher position limit would apply to hedged strategies and positions in binary MGTN options as well. The following strategies and positions would qualify for these increased position limits (which are the strategies and positions exempt from position limits for binary options established in current Rule 8.36):

- a binary option position “hedged” or “covered” by an appropriate amount of cash to meet the settlement obligation (e.g., \$1,000 for a binary option with an exercise settlement amount of \$1,000);
- a binary option position “hedged” or “covered” by a sufficient amount of a related or similar security to meet the settlement obligation; and
- a binary option position “hedged” or “covered” by a traditional option covering the same underlying index (which includes, among other strategies, a vertical spread with strikes reasonably close<sup>33</sup> to the binary option strike) sufficient to meet the settlement obligation.

Pursuant to Rule 8.42(h), binary options are not subject to exercise limits. This is currently the case for binary index options on broad-based indexes and will be the case for binary index options on Cboe Magnificent 10 Index. Binary index options, as discussed above, are European-style and are automatically exercised at expiration if the settlement value of the underlying index is equal to or greater than the exercise price of a call binary option or less than the exercise price in the case of a put binary option.<sup>34</sup> Exercise limits are intended to prevent a single investor from exercising a number of option contracts that could potentially manipulate the value of the underlying. Because investors have no discretion regarding whether to exercise their binary index options due to their automatic exercise at expiration, there is no need for exercise limits.

As set forth in Rule 8.35(d), positions in FLEX binary index options (including binary options on broad-based indexes, as are permitted today, and binary options on the Cboe Magnificent 10 Index, as proposed) will not be aggregated with positions in non-FLEX binary index options. While this is true today, the proposed rule change proposes to add this language to

proposed Rule 8.35(e) for additional transparency. The proposed rule change also adds the following provisions to proposed Rule 8.35(e) to clarify how certain provisions regarding aggregation and nonaggregation of positions for purposes of calculating position limits will apply to FLEX binary index options:

- positions in FLEX binary index options on the same index that have different exercise settlement amounts are aggregated (this is consistent with current Rule 8.36(c) with respect to non-FLEX binary index options, and the proposed language merely adds clarification regarding how this will apply to FLEX binary index options;<sup>35</sup> and
- in determining compliance with the position limits set forth in Rule 8.36, FLEX binary options are not aggregated with non-binary index option contracts (FLEX or non-FLEX) on the same or similar underlying security or index. In addition, FLEX binary options on an index are not aggregated with non-binary option contracts (FLEX or non-FLEX) on an underlying stock or stocks included within such index, and FLEX binary options on one index are not aggregated with binary options (FLEX or non-FLEX) on any other index (this is consistent with current Rule 8.36(d) with respect to non-FLEX binary index options, and the proposed language merely adds clarification regarding how this will apply to FLEX binary index options).

With respect to reports related to position limits, proposed Rule 8.43(f) provides that in computing reportable binary options under Rule 8.43, as is the case today for binary index options on broad-based indexes and will be the case for binary index options on the Cboe Magnificent 10 Index as proposed:

- (1) positions in binary index options on the same index that have different exercise settlement amounts are aggregated;
- (2) positions in binary index options are not aggregated with non-binary option contracts on the same or similar underlying security or index;

<sup>32</sup> Additionally, pursuant to current Rule 8.36(d), binary options on broad-based indexes will not be aggregated with non-binary option contracts on an underlying stock or stocks (the Exchanges makes a nonsubstantive change to make this security or securities to be consistent with the first sentence of the subparagraph) included within such broad-based index, and binary options on one broad-based index will not be aggregated with binary index options on any other broad-based index. The proposed rule change amends these provisions in Rule 8.36(d) to apply to binary MGTN options. See proposed Rule 8.36(d).

<sup>33</sup> The Exchange will determine strikes that are “reasonably close” in the same manner it currently does pursuant to Rule 4.13.

<sup>34</sup> See Rule 6.20(g). The proposed rule change amends Rule 6.20(g) to (a) delete “broad-based” so that the provision will apply to all binary index options (including binary MGTN options as proposed) and (2) to clarify the provision applies to binary index options. Because binary options are automatically exercised, Rule 6.21 regarding exercise notices does not apply to binary options.

<sup>35</sup> As set forth in current proposed Rule 8.35(e)(1), FLEX binary index options will not be aggregated with positions in non-FLEX binary index options on the same index, regardless of the exercise settlement amount.

(3) positions in binary index options are not aggregated with non-binary option contracts on an underlying security or securities included within the underlying index; and

(4) positions in binary *index* options on one index are not aggregated with binary index options on any other index.

All binary index options as proposed will not be subject to Rule 8.46(b) and Interpretation and Policy .01 regarding certain restrictions on options transactions and exercises. Rule 8.46(b) applies only to American-style options (as noted above, binary options are European-style), and Rule 8.46, Interpretation and Policy .01 applies only to options that are settled by delivery of an underlying security (as noted above, binary options are settled by delivery of a settlement value in cash).

The margin requirements in Rule 10.3(m) (currently applicable to binary index options on broad-based indexes) will apply to all binary index options. Specifically, for a margin account, except as provided below, no binary option carried for a customer may be considered of any value for purposes of computing the margin required in the account of such customer. The initial and maintenance margin required on any binary option carried long in a customer's account is 100% of the purchase price of such binary option (*i.e.*, the premium). The Exchange notes margin required for binary index options is more robust than that required for traditional index options, the margin rules for which permit various offsets. The initial and maintenance margin required on any binary option carried short in a customer's account is the exercise settlement amount. With respect to spreads, no margin is required on a binary call option (put option) carried short in a customer's account that is offset by a long binary call option (put option) for the same underlying security or instrument that expires at the same time and has an exercise price that is less than (greater than) the exercise price of the short call (put). The long call (put) must be paid for in full. With respect to straddles and combinations, when a binary call option is carried short in a customer's account and there is also carried a short binary put option for the same underlying security or instrument that expires at the same time and has an exercise price that is less than or equal to the exercise price of the short call, the initial and maintenance margin required is the exercise settlement amount applicable to one contract. The Rules of OCC also subject

binary index options to OCC's margin and risk management methodology.<sup>36</sup>

For a cash account, a binary option carried short in a customer's account is deemed a covered position, and eligible for the cash account, provided any one of the following either is held in the account at the time the option is written or is received into the account promptly thereafter:

(1) cash or cash equivalents equal to 100% of the exercise settlement amount; or

(2) a long binary option of the same type (put or call) for the same underlying security or instrument that is paid for in full and expires at the same time, and has an exercise price that is less than the exercise price of the short in the case of a call or greater than the exercise price of the short in the case of a put; or

(3) an escrow agreement. The escrow agreement must certify that the bank holds for the account of the customer as security for the agreement (i) cash, (ii) cash equivalents, (iii) one or more qualified equity securities, or (iv) a combination thereof having an aggregate market value of not less than 100% of the exercise settlement amount and that the bank will promptly pay the TPH organization the exercise settlement amount in the event the account is assigned an exercise notice.

The Exchange believes these proposed levels are appropriate because risk exposure is limited with binary options and the proposed customer initial and maintenance margin is equal to the maximum risk exposure.<sup>37</sup>

Except as otherwise described above, all binary index options will be listed and traded on the Exchange in a substantially similar manner as non-binary index options are permitted to be listed and traded under current Rules. The Rules that apply to the listing and trading of non-binary index options on the Exchange, including those related to priority and execution, Market-Makers (including Market-Maker obligations), obvious error,<sup>38</sup> trading halt procedures,

and clearing, will apply to the listing and trading of binary options. The Exchange has analyzed its capacity and represents that it believes the Exchange has the necessary systems capacity to handle any potential additional message traffic associated with the listing of binary options on indexes (including non-broad-based indexes). The Options Price Reporting Authority ("OPRA") also informed the Exchange it believes it has the necessary systems capacity to handle the additional traffic associated with the listing of new options that would result from this proposed rule change. The Exchange does not believe Trading Permit Holders ("TPHs") will experience any capacity issues as a result of this proposal and represents that it will monitor the trading volume associated with binary options and the effect (if any) of binary options on market fragmentation and the capacity of the Exchange's automated system.

Today, the Exchange has an adequate surveillance program in place for options. The Exchange intends to apply the same program procedures to binary options the Exchange applies to its other options products (which overly the same indexes on which the proposed rule change would permit the Exchange to list binary options). Additionally, the Exchange is a member of the Intermarket Surveillance Group ("ISG") under the Intermarket Surveillance Group Agreement. ISG members work together to coordinate surveillance and investigative information sharing in the stock, options, and futures markets. In addition, the Exchange has a Regulatory Services Agreement with the Financial Industry Regulatory Authority ("FINRA") for certain market surveillance, investigation and examinations functions. Pursuant to a multi-party 17d-2 joint plan, all options exchanges allocate amongst themselves and FINRA responsibilities to conduct certain options-related market surveillance that are common to rules of all options exchanges.<sup>39</sup> The Exchange

<sup>36</sup> See Securities Exchange Act Release No. 105537 (May 21, 2026), 91 FR 31513 (May 27, 2026) (SR-OCC-2026-003) (which amended OCC's STANS methodology description to enable OCC to accept binary options for clearing and appropriately manage the risk created by binary options).

<sup>37</sup> Pursuant to Rule 10.9, the Exchange has the ability to impose higher margin requirements than those described above in respect to any binary option position when it deems such higher margin requirements to be advisable. Because binary options must be fully funded pursuant to Rule 10.3(m), Rule 6.22 regarding delivery and payment does not apply to binary options.

<sup>38</sup> The Exchange notes Rule 6.5, Interpretation and Policy .04 states that for purposes of the obvious error provisions in Rule 6.5(c), the adjusted price (including any applicable adjustment under

subparagraph (c)(4)(A) for non-customer transactions) may not exceed the applicable exercise settlement amount for the binary option. The proposed rule change amends the term "exercise settlement amount" to "exercise settlement value," as that is the appropriate price comparison for the transaction price (which is generally considered prior to application of the contract multiplier). The exercise settlement value is similar the value of settlement prior to application of the contract multiplier. This is a technical change to reflect the intended purpose of this provision.

<sup>39</sup> Section 19(g)(1) of the Securities Exchange Act of 1934 (the "Act"), among other things, requires every self-regulatory organization ("SRO") registered as a national securities exchange or national securities association to comply with the Act, the rules and regulations thereunder, and the

believes its existing surveillance procedures are designed to deter and detect possible manipulative behavior which might potentially arise from listing and trading the proposed binary options. Further, the Exchange will implement any new surveillance procedures it deems necessary to effectively monitor the trading of binary MGTN options (as well as A.M.-settled binary OEX options and P.M.-settled binary VIX options, to the extent the Exchange lists those or any other binary index options for trading), including to address the potential increased susceptibility to manipulation of binary options, particularly when they are near-the-money and near expiration given the fixed payout structure of binary options.<sup>40</sup> The Exchange notes, however, it believes the large market capitalization of the Cboe Magnificent 10 Index and each of its constituent stocks reduces any susceptibility to manipulation of binary options on that index, similar to the reduced risk associated with binary index options on broad-based indexes.

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>41</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>42</sup> requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect

investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>43</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change will facilitate transactions in securities, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest, because it will provide investors with a securities exchange-listed investment choice for an additional class, and with additional settlements for two binary index options. The proposed binary index options are listed options with a simpler, all-or-none payout structure and limited risk profile compared to traditional listed options.<sup>44</sup> Thus, the Exchange believes the proposed rule change will permit investors to manage their risk exposures and carry out their investment objectives on a securities exchange with more flexibility and broader applicability. The Exchange also believes the proposed rule change will promote competition, as it will meet demands of investors that currently may trade products structured in substantively the same manner as the proposed binary options in other markets (as further discussed below).

The Exchange believes expanding the universe of binary options to include binary MGTN options will benefit investors, particularly retail investors and other investors who prefer simplicity, as a complementary offering to current exchange-traded options. Buyers and sellers of traditional, non-binary options listed on the Exchange do not know the return on those options at the time of the transaction, as the return cannot be determined until near the option's expiration given movements in the underlying. For example, suppose an investor buys a traditional index call option with an exercise price of 100. If the index value at expiration is 105, the investor gets a

payout of \$5 (times the multiplier for that option). If the index value at expiration is 110, the investor gets a payout of \$10 (times the multiplier for that option). Therefore, the payout of a traditional index option is dependent on how in-the-money the option is at expiration, which is unknown until the time of expiration.

On the contrary, binary options offer a set payout if the underlying closes at, below, or above the exercise price (depending on the type of binary option). Buyers and sellers of binary options know the expected return at the time of purchase if the underlying performs as expected, as the return is a fixed, "all-or-none" amount. Using the example above, suppose an investor buys a binary index call option with an exercise price of 100 and an exercise settlement value of \$10. If the index value at expiration is 105, the investor receives a payout of \$10 (times the multiplier for that option). In fact, if the index value at expiration is any value of 100 or greater, the investor receives that same payout. In addition, because the return on the binary option is a set amount, a buyer of a binary option need not determine the absolute magnitude of the underlying's value movement relative to the exercise price, as is the case with traditional, non-binary options. Instead, the buyer of a binary option needs only to determine whether the underlying value is expected to be above, at, or below the exercise price (as applicable).

The Exchange believes expanding the availability of binary options will further protect investors because of the reduced risk of the seller compared to the seller of a traditional option. While sellers of traditional options have unlimited risk (as the payout amount increases the further in-the-money the option is at expiration), the maximum obligation for the seller of a binary option is known when the contract is written, which is the fixed payout amount. The structure of binary options offers investors pre- and post-trade transparency with respect to the risk associated with their binary options trades. Binary options on non-broad-based indexes will ultimately provide the same benefits to investors as binary options on broad-based indexes.

The Exchange also believes the proposed rule change to expand available underlying indexes for binary options and permit listing of both A.M.- and P.M.-settled binary index options will facilitate transactions in securities, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public

SRO's own rules, and, absent reasonable justification or excuse, enforce compliance by its members and persons associated with its members. See 15 U.S.C. 78q(d)(1) and 17 CFR 240.17d-2. Section 17(d)(1) of the Act allows the Commission to relieve an SRO of certain responsibilities with respect to members of the SRO who are also members of another SRO ("common members"). Specifically, Section 17(d)(1) allows the Commission to relieve an SRO of its responsibilities to: (i) receive regulatory reports from such members; (ii) examine such members for compliance with the Act and the rules and regulations thereunder, and the rules of the SRO; or (iii) carry out other specified regulatory responsibilities with respect to such members.

<sup>40</sup> The Exchange notes it currently lists binary XSP options for trading, and its surveillances have been updated to monitor those options.

<sup>41</sup> 15 U.S.C. 78f(b).

<sup>42</sup> 15 U.S.C. 78f(b)(5).

<sup>43</sup> *Id.*

<sup>44</sup> The Commission has previously recognized the benefits of listing and trading binary options on a securities exchange. See Securities Exchange Act Release No. 57850 (May 22, 2008), 73 FR 31169, 31172 (May 30, 2008) (SR-CBOE-2006-105) ("Binary BBI Option Approval") ("The Commission believes that binary options on broad-based indexes will provide investors with a potentially useful investment choice. The proposal will extend to these options the benefits of a listed exchange market, which include a centralized forum for price discovery, pre- and post-trade transparency, standardized contract specifications, and the guarantee of the OCC.").

interest.<sup>45</sup> Current rules regarding binary index would permit A.M.-settlement and P.M.-settlement for binary index options on all broad-based indexes on which the Exchange lists traditional options except OEX (which are only P.M.-settled) and VIX options (which are only A.M.-settled). Therefore, the proposed rule change would permit the Exchange to list A.M.-settled and P.M.-settled binary MGTN options, as well as A.M.-settled binary OEX options and P.M.-settled binary VIX options.

With respect to OEX, the Exchange believes allowing A.M.-settled in addition to currently permissible P.M.-settled binary OEX options will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest. This additional settlement would allow investors to further tailor their investment strategies for OEX and related options (for example, the underlying index of OEX options is the S&P 100 Index, the constituents of which are all constituents of the S&P 500 Index), as the different timing of settlements would allow market participants to trade binary OEX options (if the Exchange chose to list these options) in a manner more aligned with specific timing needs and more effectively tailor their investment and hedging strategies, including to incorporate daily changes in the market, which may reduce the premium cost of buying binary OEX options. This precision is particularly beneficial for binary index options, which provide investors with the ability to take discrete and precise positions on the value of the underlying index.

Similar reasoning applies to binary VIX options. As described above, traditional VIX options are currently A.M.-settled only (and thus current binary index rules permit A.M.-settlement only). The settlement value for these options is calculated as a special opening quotation using a modified opening auction process on exercise settlement value determination days pursuant to Rules 4.13(a)(5)(B) and 5.31(j). This is different than other index options, for which the settlement value

is the current index value at the expiration of the option (either the opening value or the closing value of the index on the expiration date). It is for this reason VIX options are currently only A.M.-settled. However, binary VIX options, as proposed, may be A.M.-settled or P.M.-settled because the settlement value for binary VIX options will be, like all other binary index options, the reported opening or closing level of the underlying index (and therefore not calculated pursuant to a special quotation). This is consistent with the current binary index option rules today that state the settlement value for all binary index options that are A.M.-settled will be the reported opening level of the underlying index, which applies to binary VIX options. Therefore, the Exchange believes it would benefit investors to be authorized to list binary VIX options that are P.M.-settled, as it would allow investors to further tailor their investment strategies for VIX and related options (including, for example, options related to the S&P 500 Index), as the different timing of settlements would allow market participants to trade binary VIX options (if the Exchange chose to list these options) in a manner more aligned with specific timing needs and more effectively tailor their investment and hedging strategies, including to incorporate daily changes in the market, which may reduce the premium cost of buying binary VIX options. This precision is particularly beneficial for binary index options, which provide investors with the ability to take discrete and precise positions on the value of the underlying index.

This same reasoning also applies to the proposed rule change to permit both A.M.-settled and P.M.-settled binary MGTN options. The Exchange is currently authorized to list both A.M.-settled and P.M.-settled traditional MGTN options.<sup>46</sup> The Exchange believes permitting these same settlements for binary MGTN options would remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest, because it would provide investors with additional investment options they can use to tailor their investment strategies with more precision with respect to specific timing needs and strategies related to traditional MGTN options and related options. This precision is particularly beneficial for binary index options, which provide investors with the ability to take discrete and precise

positions on the value of the underlying index.

Further, the proposed rule change will permit the Exchange to list binary options overlying securities indexes with similar terms (such as A.M.- and P.M.-settlement) on a national securities exchange as alternatives to products that are structured in substantially the same manner as binary options currently available in the OTC market and on other platforms. The Exchange understands investors have traded binary options similar to the proposed binary index options in OTC markets for many years but may prefer to trade such options in a listed environment to receive the benefits of trading listing options. These benefits include: (1) enhanced efficiency in initiating and closing out positions; (2) increased market transparency; and (3) heightened contra-party creditworthiness due to the role of OCC as issuer and guarantor of all listed options. The Exchange believes the proposed rule change may encourage liquidity to shift from the OTC market onto the Exchange, which the Exchange believes would increase market transparency as well as enhance the process of price discovery conducted on the Exchange through increased order flow. The proposed rule change is intended to provide a market for binary options as a standardized product without the credit risk of an individual issuer. By providing a listed and standardized market for more classes of binary options, the Exchange seeks to attract investors who desire the simplicity of a binary option with the certainty and safeguards of a regulated and standardized marketplace.

Additionally, unlike an OTC binary option, counter-party credit risk for Exchange-listed binary options is significantly reduced through the issuance and guarantee of the contracts by OCC. Further, as an exchange-traded option, binary options will have the advantage of liquidity provided by Market-Makers, which the Exchange believes may lead to tighter spreads than those in the OTC market. The Exchange also believes that standardization will enable more interested parties to become market participants.

In addition to the OTC market, various market platforms that are not registered as national securities exchanges currently offer products structured in substantively the same manner as binary options the Exchange may list pursuant to current Rules and as proposed. These platforms offer binary option products overlying securities indexes, which may be settled at varying points of the day (not just at

<sup>45</sup> Index options listed pursuant to generic listing criteria in Rule 4.10 are eligible for A.M.-settlement, and thus pursuant to the current Rule, all binary options overlying broad-based indexes and the Choe Magnificent 10 Index that satisfy that criteria would be eligible for A.M.-settlement. As noted above, nearly all broad-based index options are currently eligible for both A.M.-settlement and P.M.-settlement, so the proposed rule change provides for P.M.-settled binary options for only one additional index options that the Exchange currently lists for trading.

<sup>46</sup> See Rule 4.13(e).

the open and close of the trading day). However, as these venues are not national securities exchanges, they do not offer investors the benefits of centralized liquidity, market transparency, or securities regulations intended to protect investors. The Exchange believes listing competitive products on a securities exchange may create a centralized and standardized marketplace for these products, which promotes price discovery and transparency, within a regulatory framework designed to protect investors in securities. In other words, the Exchange believes its proposal offers a more transparent platform than the OTC market and other market platforms offer and would contribute to leveling the playing field with these alternative markets.

Additionally, the proposed rule change is consistent with the requirements of the Act because binary options on securities indexes are securities under the Act. The Act defines “security” as, among other things, a “put, call, straddle, option, or privilege on any security . . . or group or index of securities (including any interest therein or based on the value thereof).”<sup>47</sup> Binary options on securities indexes, like non-binary options on securities indexes, are puts and calls. The value of a binary option is based on the value of the underlying index. As securities, pursuant to Section 9(b)(1) of the Act, a person may effect any transaction in connection with a binary option only in accordance with Commission rules and regulations.<sup>48</sup> Therefore, the Exchange believes transactions in binary options on and securities indexes must occur on a national securities exchange, subject to Commission jurisdiction and oversight.

As discussed above, the Exchange has current Rules that permit the listing of binary options on broad-based index options, which Rules were approved

previously by the Commission as being consistent with the Act. This further indicates that binary options are securities under the Act, subject to Commission jurisdiction and oversight.<sup>49</sup> When approving the Exchange’s prior proposed rule change regarding the listing and trading of binary options on broad-based security indexes, the Commission described the terms of these options, including listings standards, position limits, and margin, and found them to be consistent with the Act.<sup>50</sup> In connection with the Commission’s approval of trading binary options on the Exchange, OCC adopted rules pursuant to which it could clear binary options.<sup>51</sup> When approving OCC’s proposed rule change related to the clearing of binary options, the Commission noted it met the requirements of Section 17A(b)(3)(F) of the Act<sup>52</sup> because it would permit OCC to clear and settle binary options that had been approved to be listed and traded on Cboe, which would promote the “prompt and accurate clearance and settlement of such securities transactions.”<sup>53</sup> The Commission also approved updates to the Options Disclosure Document (“ODD”) in advance of the listing of binary options on Cboe, as required by the Act.<sup>54</sup> Rule 9b–1 under the Act requires a broker-dealer to furnish a customer a copy of the ODD prior to accepting an order from that customer for an option that is subject to the ODD.<sup>55</sup> Rule 9b–1 defines standardized options as options contracts traded on national securities exchanges that relate to options classes the terms of which are limited to specific expiration dates and exercise prices, as well as other securities as the Commission may, by order designate.<sup>56</sup> The Commission’s order approving the ability of the Exchange to list binary options overlying certain securities signified that binary options are

standardized options under the Act.<sup>57</sup> As binary index options, as currently available and as proposed, are standardized options to be traded on a national securities exchange, the Exchange believes the proposed rule change will benefit investors, as broker-dealers must provide the ODD to customers, which describes the characteristics and risks associated with trading binary options.

The Exchange believes the proposed position limits for binary MGTN options are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and thus to protect investors.<sup>58</sup> The proposed position limits for binary MGTN options are the same as those for binary options on broad-based indexes under current Rules (subject to the per expiration change further discussed below). As these position limits are already in the Rules (and thus previously approved by the Commission) and applicable to binary index options, the Exchange believes the proposed rule change reasonably balances the promotion of a free and open market for these securities with minimization of incentives for market manipulation.

The susceptibility of an index to manipulation or undue price influence is directly related to the depth and liquidity of the markets for the component securities that comprise it, regardless of the number of component securities.<sup>59</sup> An index representing a

<sup>57</sup> When describing the benefits of binary options, the Commission described them as having “standardized contract specifications.” See Binary BBI Option Approval at 31171.

<sup>58</sup> The proposed rule change does not amend position limits for binary index options on broad-based indexes other than applying them on a per expiration basis, which is further discussed below.

<sup>59</sup> Index listing criteria impose various requirements on the component securities related to market capitalization and liquidity, which further reduces the risk that the markets for these index options or the components of the underlying indexes would be impacted by additional derivatives. For example, with respect to narrow-based indexes, pursuant to Rule 4.10(b): (1) the market capitalization for the lowest-weighted component securities in the index that in the aggregate account for no more than 10% of the weight of the index must be at least \$50 million, and the market capitalization of all other components must be at least \$75 million; (2) the trading volume in each component must be at least 1,000,000 shares for each of the last six months (from October 2024 through March 2025, the lowest monthly trading volume for a component was over 1.5 million shares), except that for each of the lowest-weighted component securities in the index that in the aggregate account for no more than 10% of the weight of the index, the trading volume must be at least 500,000 shares for each of the last six months; and (3) no single component security may represent more than 25% of the weight of the index, and the five highest-weighted component securities

<sup>47</sup> See 15 U.S.C. 78c(a)(10). The Exchange notes options on securities indexes (and thus binary options on securities indexes) are not swaps. See *Statement on Tokenized Securities*, Commission Divisions of Corporation Finance, Investment Management, and Trading and Markets (January 28, 2026), available at [https://www.sec.gov/newsroom/speeches-statements/corp-fin-statement-tokenized-securities-012826?utm\\_medium=email&utm\\_source=govdelivery](https://www.sec.gov/newsroom/speeches-statements/corp-fin-statement-tokenized-securities-012826?utm_medium=email&utm_source=govdelivery) (“ . . . any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities, including any interest therein or based on the value thereof, that is subject to the Securities Act [of 1933] and the Exchange Act, is excluded from the definition of swap. When assessing whether a financial instrument formatted as a crypto asset satisfies one of these exclusions, the economic reality of the instrument rather than the name given to the instrument determines whether it is excluded.”) (cites excluded).

<sup>48</sup> See 15 U.S.C. 78i(b).

<sup>49</sup> See Binary BBI Option Approval.

<sup>50</sup> See *id.* at 31171–31172.

<sup>51</sup> See Securities Exchange Act Release Nos. 56875 (November 30, 2007), 72 FR 69274 (December 7, 2007) (SR–OCC–2007–08) (which OCC rules explicitly related to clearing binary options within the definition of a “security” as determined by the Commission); and 105537 (May 21, 2026), 91 FR 31513 (May 27, 2026) (SR–OCC–2026–003) (which amended OCC’s STANS methodology description to enable OCC to accept binary options for clearing and appropriately manage the risk created by binary options).

<sup>52</sup> 15 U.S.C. 78q–1(b)(3)(F).

<sup>53</sup> *Id.* at 69276 (emphasis added).

<sup>54</sup> See Securities Exchange Act Release No. 58043 (June 26, 2008), 73 FR 38260 (July 3, 2008) (SR–ODD–2008–02).

<sup>55</sup> See 17 CFR 240.9b–1(b).

<sup>56</sup> See 17 CFR 240.9b–1(a)(4).

larger aggregate market capitalization reflects a deep, liquid pool of underlying securities, the collective pricing of which is substantially more difficult to influence through trading in the options market. By scaling position limits to market capitalization (which directly measures the economic depth of an index), with lower position limits applicable to binary index options for which the market capitalization ratio is smaller, the Exchange believes the current position limits for binary broad-based index options are, and the proposed position limits for binary MGTN options would be, appropriately sized to the actual manipulation risk presented by the specific index and may spread exposure across more participants, which makes manipulation by a single investor more difficult to achieve. Further, current position limits rules for binary broad-based index options are, and proposed position limits for binary MGTN options would be, scaled inversely to the exercise settlement value (which directly measures the maximum intrinsic value of a binary index option), which further reduces the susceptibility of binary index options to manipulation. If a binary index option has a larger exercise settlement value (and thus payout if the exercise criteria is met), there may be more incentive for an investor to attempt to manipulate the value of the underlying index so the investor can receive the larger payout. Therefore, a lower position limit for these binary index options with a larger exercise settlement amount reduces the possibility for this to occur. Additionally, the Exchange believes lower position limits for binary index options with larger exercise settlement amounts help prevent manipulation of the underlying index value because it keeps the cost of manipulating the underlying index relatively high compared to the potential payout.

While in general a non-broad-based index may have a lower market capitalization (and thus should have a lower position limit for options on that index) because it has fewer components, it is certainly possible for such an index to have a similar market capitalization to that of a broad-based index and thus have reduced susceptibility to manipulation in the same manner as a broad-based index with similar market capitalization. That is the case with respect to the Cboe Magnificent 10 Index. As a result, the Exchange

believes it is appropriate to apply the same position limits currently applicable to binary options on broad-based indexes to binary MGTN options on all indexes because the position limits are tied to the market capitalization of the underlying index, which is significant for the Cboe Magnificent 10 Index. Traditional MGTN options are subject to a 24,000-contract position limit pursuant to Rule 8.32.<sup>60</sup> Therefore, as proposed, the position limits for binary MGTN options would be based on its Market Capitalization Ratio pursuant to Rule 8.36(b). The Market Capitalization Ratio of the Cboe Magnificent 10 Index to the S&P 500 Index is approximately 34.9%.<sup>61</sup> As a result, the position limit for binary MGTN options would be the ratio of 10,000 to the exercise settlement amount times 5,000. If the Exchange applied a 100 multiplier and an exercise settlement value of \$1 for binary MGTN options (and thus an exercise settlement amount of \$100), the position limit would be  $10,000/100 \times 5,000$ , or 500,000 (per expiration).<sup>62</sup>

While this position limit would be higher than the position limit currently applicable to traditional MGTN options, the Exchange believes it is appropriate given the significant market capitalization of the underlying index (which is larger than several broad-based indexes on which the Exchange is currently permitted to list binary index options). If a single investor had the maximum number of positions in binary MGTN options, the notional value of these positions would be  $500,000 \times 100 \times 489.12$ , or \$24,456,000,000, which would represent approximately 0.099% of the market capitalization of the index. If that same investor has the maximum number of positions in binary MGTN options and the maximum number of positions in traditional MGTN options, the combined notional value of all of

those positions would still represent only approximately 0.1% of the market capitalization of the index. For purposes of comparison, if the Exchange were to list binary index options on the Russell 2000 Index (which current Rules would permit), the position limit for these binary RUT options pursuant to Rule 8.36(a) (traditional RUT options have no position limit as set forth in Rule 8.31), if such binary RUT options had an exercise settlement amount of \$100, would be  $15,000 \times 10,000/100$ , or 1,500,000 contracts. As of July 7, 2026, the market capitalization of the Russell 2000 Index was approximately \$3.77 trillion, and the value of the index was 2,982.49. The contract multiplier for RUT options is 100. The maximum number of positions in binary RUT options would have a notional value of  $1,500,000 \times 100 \times 2,982.49$ , or \$447,373,500,000, which would represent approximately 11.87% of the market capitalization of the index. Therefore, the Exchange believes the proposal to apply to binary MGTN options the position limits currently applicable to binary index options on broad-based indexes would still result in a very conservative position limit for binary MGTN options given the market capitalization of the Cboe Magnificent 10 Index.

The number of constituent securities of the Cboe Magnificent 10 Index is smaller compared to broad-based indexes; however, the ten constituent securities are among the largest capitalized and most actively traded stocks and must have a market capitalization of at least \$500 million, a free float of at least 25%, a minimum of 1,000,000 shares trading volume in the preceding six months, and one of the 100 largest market capitalizations per the index's methodology.<sup>63</sup> This is in addition to the initial and maintenance listing criteria set forth in Rule 4.13(b) the index must satisfy for the Exchange to be able to list options on the index.<sup>64</sup>

<sup>60</sup> The value of the Cboe Magnificent 10 Index as of July 7, 2026 was 489.12. Considering this value and the index's contract multiplier of 100, the notional value of 24,000 traditional MGTN option contracts is  $24,000 \times 100 \times 489.12$ , or \$1,173,888,000, which represents approximately 0.0048% of the approximately \$24.7 trillion market capitalization of the Cboe Magnificent 10 Index. For context, the general maximum position limit for traditional equity options is 250,000 contracts (which represents 25,000,000 shares given the contract multiplier of 100 for traditional equity options).

<sup>61</sup> As of July 7, 2026, the market capitalization of the Cboe Magnificent 10 Index is approximately \$24.7 trillion, and the market capitalization of the S&P 500 Index is approximately \$70.8 trillion.

<sup>62</sup> If the Exchange designated a higher exercise settlement amount for a binary MGTN option, this would effectively reduce the position limit for those binary MGTN options to address the potential additional incentive to manipulate the underlying index given the higher potential payout.

<sup>63</sup> The methodology for the Cboe Magnificent 10 Index is available here: [https://cdn.cboe.com/api/global/us\\_indices/governance/Cboe\\_Magnificent\\_10\\_Index\\_Methodology.pdf](https://cdn.cboe.com/api/global/us_indices/governance/Cboe_Magnificent_10_Index_Methodology.pdf).

<sup>64</sup> Pursuant to Rule 4.10(b): (1) the market capitalization for the lowest-weighted component securities in the index that in the aggregate account for no more than 10% of the weight of the index must be at least \$50 million, and the market capitalization of all other components must be at least \$75 million; (2) the trading volume in each component must be at least 1,000,000 shares for each of the last six months (from October 2024 through March 2025, the lowest monthly trading volume for a component was over 1.5 million shares), except that for each of the lowest-weighted component securities in the index that in the aggregate account for no more than 10% of the weight the index, the trading volume must be at least 500,000 shares for each of the last six months);

in the index may not in the aggregate account for more than 50% (60% for an index consisting of fewer than 25 component securities) of the weight of the index.

The market capitalizations of the ten constituents of the Cboe Magnificent 10 Index as of July 7, 2026 range from approximately \$322 billion to \$4.7 trillion, and the six-month trading volume ranges from 2,073,574,362 shares to 20,936,495,633 shares. The Exchange believes all of these factors significantly reduce the risk of manipulation of the index given the proposed position limits for binary MGTN options, as well as reduce the risk that the markets for the components would be impacted by additional derivatives.<sup>65</sup>

The Exchange further notes the proposed position limit for binary MGTN options is conservative when compared to the position limit for traditional options on the component stocks of the Cboe Magnificent 10 Index. All ten of the component stocks are subject to a position limit of 250,000 (or 25,000,000 when factoring in the multiplier of 100) pursuant to Rule 8.30, Interpretation and Policy .02. Palantir (PLTR) has the smallest market capitalization of the ten constituent stocks (approximately \$322 billion) as of July 7, 2026, with a stock price of \$134.37. If a single customer held the maximum number of positions permitted under the proposed rule change, the notional value of those positions would be \$3,359,250,000, which would represent 1.04% of the stock's market capitalization, which is very conservative and still more than 10 times higher than the percentage of the notional value of the maximum positions of binary MGTN options of the index's market capitalization.<sup>66</sup>

The Exchange also believes the proposed rule change to apply position limits to binary options on a per expiration basis will prevent fraudulent

and manipulative acts and practices, promote just and equitable principles of trade, and thus protect investors due to the unique risk profile of binary options that distinguish them from traditional (*i.e.*, non-binary). Unlike traditional index options, for which associated risk is distributed across a range of strikes and expirations because investors may offset or hedge positions across expirations, binary options are fixed-payout, all-or-nothing contracts whose value is entirely dependent on the value of the underlying index at a single point in time. Therefore, risk concentrates at the expiration date itself since each expiration series represents an independent and self-contained risk event. This makes the expiration date the most economically meaningful unit for measuring and constraining accumulated exposure of binary options. Limiting positions in binary options across expirations (as is done for traditional options) would not address the actual risk associated with the settlement event specific to a binary option. As a result, the Exchange believes an individual expiration is the most economically meaningful time to limit positions in binary options, as obtaining positions in binary options for one expiration generally have no impact on the value of binary options for another expiration.<sup>67</sup> As discussed above, binary index options are subject to no exercise limits. Exercise limits are intended to prevent a single investor from exercising a number of option contracts that could potentially manipulate the value of the underlying. Because investors have no discretion regarding whether to exercise their binary index options due to their automatic exercise at expiration, there is no need for exercise limits.

For all the reasons discussed above, the Exchange believes the proposed position limit for binary MGTN options is designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest. The Exchange understands that unlike traditional index options, binary index options possess a fixed, all-or-nothing payout structure that may create further incentive to influence the value of the underlying index, which incentive may be heightened for near-the-money positions approaching expiration when a marginal move in the value of the underlying index can determine whether a position will receive the payout amount (or not). The proposed rule change establishes a position limit for binary MGTN options that is

calibrated such that the notional value of the maximum number of permitted positions represents less than 1% of the aggregate market capitalization of the Cboe Magnificent 10 Index (assuming an exercise settlement amount of \$100).<sup>68</sup> The Exchange believes this will reduce the ability for a single market participant from accumulating sufficient positions of binary MGTN options whose potential payout would justify the cost of attempting to move the underlying index components, thereby maintaining an economically unfavorable cost-benefit ratio for any such manipulative activity. The Exchange believes this calibration directly addresses the heightened manipulation risk inherent to binary options given their fixed payout structure by limiting the maximum aggregate financial incentive available to any single customer or group of customers, while still permitting sufficient position sizes to support a liquid and efficient market for legitimate hedging and trading purposes. The Exchange, therefore, believes the proposed limit is effectively designed to prevent an individual customer or entity from establishing options positions that could be used to manipulate the market of the underlying index and its constituents.<sup>69</sup>

Further, the Exchange believes subjecting hedged binary option positions and strategies to higher position limits is consistent with the Act because such positions and strategies create offsetting exposure. As a result, a customer no longer has a directional interest in the underlying, reducing the manipulation risk associated with those positions that position limits are designed to address. Given the investor benefits gained from hedged positions, the Exchange believes applying higher position limits to these positions sufficiently protects against the reduced potential for manipulation while not artificially restricting bona fide activity intended to manage risk exposure.

Position limits are designed to limit the number of options contracts overlying a security or index traded on the exchange that an investor, acting alone or in concert with others directly or indirectly, may control. These limits are intended to address potential manipulative schemes and adverse

and (3) no single component security may represent more than 25% of the weight of the index, and the five highest-weighted component securities in the index may not in the aggregate account for more than 50% (60% for an index consisting of fewer than 25 component securities) of the weight of the index.

<sup>65</sup> Further, as discussed above, the proposed rule change imposes a position limit on these hedged positions and strategies that is higher than the position limit for non-hedged positions and strategies but no longer fully exempts them from position limits, as is the case under current Rules. This same higher position limit would apply to hedged strategies and positions in binary MGTN options as well, further reducing the risk of a single investor being able to use its positions in binary MGTN options to manipulate the value of the underlying index or its component stocks.

<sup>66</sup> The Exchange intends to designate an exercise settlement value of \$1 and a multiplier of 100 (and thus an exercise settlement amount of \$100) for binary MGTN option upon launch. To the extent the Exchange designates binary MGTN options to have a different multiplier or exercise settlement value, it will announce those changes pursuant to Rule 1.5.

<sup>67</sup> This is consistent with the lack of exercise limits for binary options.

<sup>68</sup> As noted above, a larger exercise settlement amount would result in a reduced position limit to address the potentially higher incentive to influence the value of the underlying index given the larger payout amount.

<sup>69</sup> See Securities Exchange Act Release No. 39489 (December 24, 1997), 63 FR 276 (January 5, 1998) (SR-CBOE-1997-11).

market impacts surrounding the use of options, such as disrupting the market in the security or index underlying the options. Position limits must balance concerns regarding mitigating potential manipulation and the cost of inhibiting potential hedging activity that could be used for legitimate economic purposes. Position limits do not limit the total number of options that may be held by all customers across the entire industry, but rather they limit the number of unhedged positions on the same side of the market a single customer may hold or exercise at one time. “Since the inception of standardized options trading, the options exchanges have had rules imposing limits on the aggregate number of options contracts that a member or customer could hold or exercise.”<sup>70</sup> Position limit rules are intended “to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying market so as to benefit the options position.”<sup>71</sup> The Exchange believes the proposed position limits applied on a per expiration basis reasonably and appropriately balance the liquidity provisioning in the market against the prevention of manipulation without unnecessarily constraining investment activity.<sup>72</sup>

The Exchange also believes the proposed margin requirements for binary index options (which are the current margin requirements for binary options on broad-based indexes) are reasonable and will protect investors, because they limit investors’ risk exposure given that the initial and maintenance margin requirements are equal to the maximum risk exposure.<sup>73</sup> As noted above, the Exchange may determine to impose higher margin requirements than those proposed in respect of any binary option position when it deems such higher margin requirements are appropriate.<sup>74</sup> Further, the Rules of OCC also subject binary index options to OCC’s margin and risk management methodology.<sup>75</sup>

Ultimately, the Exchange believes the proposed rule change will provide

investors with greater trading tools and opportunities and flexibility, resulting in investors having additional means to carry out their investment objectives and manage their risk exposures with the benefits of being listed and traded on a national securities exchange. The Exchange believes the proposed rule change will offer market participants a simplified, transparent, and limited risk investment choice overlying securities indexes, which may be more aligned with their specific timing needs and investment and hedging strategies and risk tolerances. The Exchange believes it benefits the investing public to continue to enhance its listed product offerings to respond to continuously changing needs of investors and to a continuously changing competitive environment.

A robust and competitive market requires exchanges to respond to investors’ evolving needs by regularly improving their offerings. When Congress charged the Commission with supervising the development of a “national market system” for securities, Congress stated its intent that the “national market system evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed.”<sup>76</sup> Consistent with this purpose, Congress and the Commission have repeatedly stated their preference for competition, rather than regulatory intervention to determine products and services in the securities markets.<sup>77</sup> This consistent and considered judgment of Congress and the Commission is correct, particularly in light of evidence of robust competition in the options trading industry. The fact that an exchange proposed something new is a reason to be receptive, not skeptical—innovation is the life-blood of a vibrant competitive market—and that is particularly so given the continued

internalization of the securities markets, as exchanges continue to implement new products and services to compete not only in the United States but throughout the world. Options exchanges continuously adopt new and different products and trading services in response to industry demands in order to attract order flow and to increase their trading volume. This competition has led to a growth in investment choices, which ultimately benefits the marketplace and the public. The Exchange believes the proposed rule change will help further competition by providing market participants with yet another investment option for options listed on a national securities exchange.

#### *B. Self-Regulatory Organization’s Statement on Burden on Competition*

The Exchange does not believe the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, because binary options will be available to all market participants who wish to trade such options on the same terms and in the same manner (including with respect to the payout terms and amount). All market participants will be subject to the same margin and position limits, as well as other rules applicable to binary options, as described in this proposed rule change. To qualify for listing as a binary option, an underlying index must meet the same initial and maintenance listing criteria it must meet to underlie a traditional, non-binary option. Except as set forth in the proposed rule change, binary options will trade in the same manner as other options on the Exchange.

The Exchange does not believe the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, because the Rules of at least one other options exchange permit the listing of similar products.<sup>78</sup> Additionally, as noted above, substantively similar products to binary index options, as currently available under the Rules and

<sup>70</sup> See Securities Exchange Act Release No. 39489 (December 24, 1997), 63 FR 276 (January 5, 1998) (SR-CBOE-1997-11).

<sup>71</sup> See *id.*

<sup>72</sup> The proposed application of higher position limits to hedged positions and strategies contributes to this balanced design.

<sup>73</sup> See Rule 10.3(m).

<sup>74</sup> See Rule 10.9.

<sup>75</sup> See Securities Exchange Act Release No. 105537 (May 21, 2026), 91 FR 31513 (May 27, 2026) (SR-OCC-2026-003) (which amended OCC’s STANS methodology description to enable OCC to accept binary options for clearing and appropriately manage the risk created by binary options).

<sup>76</sup> See H.R. Rep. No. 94-229, at 92 (1975) (Conf. Rep.).

<sup>77</sup> See S. Rep. No. 94-75, 94th Cong., 1st Sess. 8 (1975) (“The objective [in enacting the 1975 amendments to the Exchange Act] would be to enhance competition and to allow economic forces, interacting within a fair regulatory field, to arrive at appropriate variations in practices and services.”); Order Approving Proposed Rule Change Relating to NYSE Arca Data, Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770 (December 9, 2008) (“The Exchange Act and its legislative history strongly support the Commission’s reliance on competition, whenever possible, in meeting its regulatory responsibilities for overseeing the [self-regulatory organizations] and the national market system. Indeed, competition among multiple markets and market participants trading the same products is the hallmark of the national market system.”); and Regulation NMS, 70 FR at 37499 (observing that NMS regulation “has been remarkably successful in promoting market competition in [the] forms that are most important to investors and listed companies”).

<sup>78</sup> See NYSE American Options Rules, Section 17 (permits binary options on underlying securities, which are different than indexes but narrow-based indexes in some ways are akin to securities given a narrow-based index may have as few as 10 component securities and the concentration of those components are within a single or related industries).

as proposed, are available in the OTC market and various other markets. Such products are based on the values of securities indexes (as the proposed binary options are), including at the opening and closing of trading (*i.e.*, A.M.- and P.M.-settled) and other times throughout the day. The proposed rule change will permit the Exchange to list binary options on the same underlying indexes as these markets, and do so with certain similar terms (two permissible settlements) as the binary options listed on those markets. Ultimately, the proposal is designed to increase competition for order flow in binary options.

The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues who offer similar products. The Exchange believes the proposed rule change will provide investors with a comparable alternative to the OTC market and other venues. The Exchange believes it may be a more attractive alternative to the OTC market and these other venues, as market participants will benefit from being able to trade these options in an exchange environment, which provides, among other things: (1) enhanced efficiency in initiating and closing out positions; (2) increased market transparency; and (3) heightened counterparty creditworthiness due to the role of OCC as issuer and guarantor of all listed options. As a result, the Exchange believes that the proposed rule change may relieve any burden on, or otherwise promote, competition, as it will allow the Exchange to offer a securities exchange-listed alternative to the products currently available in these other markets.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received written comments on the proposed rule change.

#### **IV. Discussion and Commission Findings**

After careful review, the Commission finds that the proposed rule change, as modified and superseded by Amendment No. 1 ("Amended Proposal"), is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.<sup>79</sup> In particular, the Commission finds that

the Amended Proposal is consistent with Section 6(b)(1) of the Act,<sup>80</sup> which requires, among other things, that the Exchange be so organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by its members and persons associated with its members with the provisions of the Act, Commission rules and regulations thereunder, and its own rules; and Section 6(b)(5) of the Act,<sup>81</sup> which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

As discussed above, the Exchange proposes to adopt rules to govern the listing and trading of binary MGTN options, which would be cash-settled, European-style exercised options on the MGTN index.<sup>82</sup> Traditional, non-binary MGTN options already are Exchange-listed, and like those options, the proposed binary MGTN options would be standardized, narrow-based security index options that are cleared by the OCC.<sup>83</sup> A distinguishing feature of the proposed binary MGTN options is a fixed, all-or-nothing exercise settlement amount that the option holder is entitled to receive and the option writer is obligated to pay if the option expires at- or in-the-money in the case of a call option or in-the-money in the case of a put option.<sup>84</sup> This is in contrast to the

payout structure for traditional, non-binary MGTN options, where the exercise settlement amount varies relative to the degree to which the option expires in-the-money, *i.e.*, relative to the magnitude of the difference between the underlying index's settlement value and the option's exercise price.<sup>85</sup>

The proposed binary MGTN options do not raise novel regulatory concerns. They would be subject to the existing rules of the Exchange that govern options trading generally and the listing of non-binary narrow-based index options, and traditional MGTN options specifically, including initial and continued listing criteria.<sup>86</sup> Insofar as the primary feature distinguishing binary MGTN options from non-binary MGTN options is concerned—specifically, the fixed, all-or-nothing payout structure attendant to binary MGTN options—the Exchange already permits the listing and trading of binary options on broad-based security indexes with a fixed, all-or-nothing payout structure.<sup>87</sup> While the MGTN index is a narrow-based index under the Exchange's rules with less component securities than a broad-based index, the MGTN index resembles a broad-based index in its market capitalization.<sup>88</sup> Indeed, the MGTN index's ten component securities are among the largest capitalized and most actively traded and deeply liquid stocks,<sup>89</sup> and in turn, the MGTN index's market capitalization rivals the market capitalizations of broad-based indexes on which the Exchange already is permitted to list binary options.<sup>90</sup> For

<sup>80</sup> 15 U.S.C. 78f(b)(1).

<sup>81</sup> 15 U.S.C. 78f(b)(5).

<sup>82</sup> See proposed Exchange Rules ("Rule(s)") 4.70–4.72; see also *supra* Section III. Binary MGTN options that are eligible for trading on the Exchange would be eligible for trading as FLEX options, even if the Exchange does not list and trade non-FLEX binary MGTN options or non-FLEX traditional MGTN options. See proposed Rule 4.21(c); see also *supra* Section III.

<sup>83</sup> See Rule 4.10(b); see also *supra* Section III. The characteristics and risks of standardized binary options, which would include binary MGTN options, are described in the ODD, which broker-dealers must furnish to customers seeking to trade standardized options prior to accepting an order from those customers for such options. See *supra* Section III; see also 17 CFR 240.9b–1.

<sup>84</sup> See proposed Rule 4.70; see also *supra* Section III. Under the Amended Proposal, binary MGTN call options would return an exercise settlement amount if the settlement value of the MGTN index is at or above the exercise price at expiration (*i.e.*, at- or in-the-money); binary MGTN put options would return an exercise settlement amount if the settlement value of the MGTN index is below the exercise price at expiration (*i.e.*, in-the-money). See proposed Rule 4.70; see also *supra* Section III. The exercise settlement amount is a set amount equal to the exercise settlement value multiplied by the contract multiplier. The exercise settlement value

generally would be determined by the Exchange on a class-by-class basis and must be an amount between \$1 or \$1,000, unless otherwise adjusted per Rule 4.6. See proposed Rule 4.70; see also *supra* Section III. In the case of binary MGTN options, the exercise settlement value would be \$1 and the contract multiplier would be 100, generating an exercise settlement amount of \$100. See proposed Rule 4.70; see also *supra* Section III.

<sup>85</sup> See *supra* Section III.

<sup>86</sup> See Rule 4.10(b); see also *supra* Section III.

<sup>87</sup> See Rule 4.16; see also Securities Exchange Act Release No. 57850 (May 22, 2008), 73 FR 31169 (May 30, 2008) (order approving SR-CBOE–2006–105) ("2008 Approval Order"). Other exchanges also permit the listing and trading of binary broad-based index options. See, e.g., NYSE American LLC, Trading of Option Contracts, Section 18; Nasdaq MRX, LLC, Options 3B.

<sup>88</sup> See *supra* Section III.

<sup>89</sup> See *supra* Section III (stating that the market capitalizations of the ten constituents of the MGTN index as of July 7, 2026 range from approximately \$322 billion to \$4.7 trillion, and the six-month trading volume ranges from 2,073,574,362 shares to 20,936,495,633 shares); see also MGTN index option FAQs, available at: <https://cdn.cboe.com/resources/membership/Cboe-Magnificent-10-Index-Options-FAQ.pdf> (setting forth, among other things, the MGTN index component securities).

<sup>90</sup> See *supra* Section III.

<sup>79</sup> In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

example, as of July 7, 2026, the MGTN index's market capitalization exceeds the market capitalization of the Russell 2000 index and is approximately 34.9% of the market capitalization of the S&P 500 index.<sup>91</sup>

As with broad-based indexes with significant market capitalizations, the significant market capitalization of the MGTN index (coupled with appropriate position limits, as discussed below) helps mitigate the potential for manipulation of the index settlement value to the benefit of any overlying option position, as well as the risk that the markets for the MGTN index component securities would be impacted by additional derivatives.<sup>92</sup> Accordingly, the listing of binary MGTN options does not present novel regulatory concerns in light of the MGTN's significant market capitalization and the fact that the Exchange already permits (and other exchanges also permit) the listing and trading of binary broad-based index options. At the same time, consistent with previous Commission views with respect to binary broad-based index options,<sup>93</sup> binary MGTN options would provide investors with a potentially useful investment choice and would extend to such options the benefits of a listed exchange market, such as a centralized forum for price discovery, pre- and post-trade transparency, standardized contract specifications, and the guarantee of the OCC.

The Amended Proposal also would expand to binary MGTN options the formulaic position limits currently applicable to binary options on broad-based indexes for which traditional options on the same index have a position limit.<sup>94</sup> Position limits serve as

a regulatory tool designed to deter manipulative schemes and adverse market impact surrounding the use of options by preventing the establishment of options positions that can be used to, or might create incentives to, manipulate the underlying market so as to benefit the options positions, or that might contribute to disruptions in the underlying market.<sup>95</sup> Compared to a traditional, non-binary option, the incentive to manipulate the underlying market so as to benefit a binary option position may be stronger in light of its fixed, all-or-nothing payout structure. This is because a small movement in the underlying settlement value for a near-the-money binary option could translate into more significant profit or loss avoidance than would be realized in a similar scenario for a traditional, non-binary option.

Pursuant to proposed Rule 8.36(b), the position limit for binary MGTN options would be scaled proportional to the MGTN index's market capitalization and inversely to the exercise settlement amount for binary MGTN options, consistent with the Exchange's current approach to formulaic position limits for binary broad-based index options.<sup>96</sup> Under this scaling approach, as of July 7, 2026, binary MGTN options would have a position limit of 500,000 contracts.<sup>97</sup> Based on near-current

or similar underlying security or index. Further, binary options on an index would not be aggregated with non-binary options on an underlying stock or stocks included within such index, and binary options on one index would not be aggregated with binary options on any other index. *See supra* Section III. The Exchange further proposes to amend Rule 8.43(f) regarding computing reportable binary broad-based index option positions such that the rule also applies to binary MGTN options. *See id.*

<sup>95</sup> *See, e.g.*, Securities Exchange Act Release No. 40969 (Jan. 22, 1999), 64 FR 4911 (Feb. 1, 1999) (SR-CBOE-1998-23). The Commission traditionally has balanced these concerns against the recognition that position limits should not be established at levels that are so low as to discourage participation in the options market by institutions and other investors with substantial hedging needs or to prevent specialists and market-makers from adequately meeting their obligations to maintain a fair and orderly market. *Id.*

<sup>96</sup> *See* proposed Rule 8.36(b); *see also supra* Section III.

<sup>97</sup> Pursuant to proposed Rule 8.36(b), because the market capitalization ratio of the MGTN index to the S&P 500 index is 34.9%, the binary MGTN option position limit is generated by multiplying 5,000 by 100, where 5,000 represents the value in the proposed rule that corresponds to that market capitalization ratio and 100 represents the ratio of 10,000 to the exercise settlement amount of \$100 for binary MGTN options (and where the \$100 exercise settlement amount represents the \$1 exercise settlement value for binary MGTN options multiplied by the contract multiplier of 100). *See* proposed Rule 8.36(b); *see also supra* Section III (stating that the Exchange intends to designate an exercise settlement value of \$1 and a multiplier of 100 for binary MGTN option upon launch).

MGTN index figures, a binary MGTN option position at that limit would correspond to notional exposure of approximately \$24,456,000,000 and represent approximately 0.099% of the market capitalization of the index.<sup>98</sup> Comparatively, the Exchange's pre-existing rules for binary broad-based index options would permit a position limit of 1,500,000 contracts for binary Russell 2000 index ("RUT") options (were the Exchange to list such options (it does not currently)), and a binary RUT option position at that limit would correspond to notional exposure of \$447,373,500,00 and represent approximately 11.87% of the market capitalization of the RUT index.<sup>99</sup> Moreover, in light of the 24,000-contract position limit applicable to traditional MGTN options, and the fact that an at-the-limit position in such options would represent 0.0048% of the MGTN index's market capitalization, the maximum allowable positions in both binary and traditional MGTN index options, if combined, would still represent only approximately 0.1% of the MGTN index's market capitalization.<sup>100</sup> Accordingly, the Amended Proposal's scaling approach sets forth a position limit for binary MGTN options that is reasonably designed to minimize the incentive to attempt to manipulate the MGTN index settlement value to benefit an overlying binary option position. Likewise, the significant depth, liquidity and market capitalization of the MGTN index components further serve to minimize the potential for any such manipulation.

Under the Amended Proposal, the position limits applicable to binary broad-based index options and binary MGTN options would apply on a per-expiration basis,<sup>101</sup> which would be a departure from the application of traditional index option position limits across expirations.<sup>102</sup> The risk profile of a traditional option differs, however, from the risk profile of a binary index option due to their differing payout structures. As the Exchange states, unlike traditional options, for which associated risk is distributed across a range of strikes and expirations because investors may offset or hedge positions across expirations, a binary index option's fixed payout structure causes

<sup>98</sup> *See supra* Section III. This notional exposure calculation is generated by multiplying 489.12 (the MGTN index value as of July 7, 2026)  $\times$  500,000 contracts (the maximum position limit)  $\times$  100 (the applicable contract multiplier). *Id.*

<sup>99</sup> *Id.*

<sup>100</sup> *Id.*

<sup>101</sup> *See* proposed Rule 8.36; *see also supra* Section III.

<sup>102</sup> *See supra* Section III.

<sup>91</sup> *Id.* (stating that as of July 7, 2026, the market capitalization of the Cboe Magnificent 10 Index was approximately \$24.7 trillion, the market capitalization of the Russell 2000 Index was approximately \$3.77 trillion, and the market capitalization of the S&P 500 Index was approximately \$70.8 trillion).

<sup>92</sup> *See supra* Section III.

<sup>93</sup> *See* 2008 Approval Order at 31171.

<sup>94</sup> *See* proposed Rule 8.36(b). The Exchange also has proposed to amend Rule 8.36(a), which sets forth position limits applicable to binary options on broad-based indexes for which traditional options on the same index have no position limit, so that it would apply to binary index options that are not based on a broad-based index. The Exchange states that the Amended Proposal does not amend position limits for binary broad-based index options other than to apply them on a per-expiration basis, and that the proposed position limits for binary MGTN options are the same as the limits for binary broad-based index options under current Rules, subject to the per-expiration change. In addition, the Exchange proposes to amend Rules 8.36(c) and (d) such that positions in binary options on the same index with different exercise settlement amounts would be aggregated with each other but not aggregated with non-binary options on the same

risk to concentrate at the expiration date because the option value is entirely dependent on the value of the underlying index at a single point in time.<sup>103</sup> The proposed rule change to apply position limits to these options on a per-expiration basis is reasonably designed to address the expiration-specific risk profile of binary index options and to balance the minimization of incentives for market manipulation with the promotion of a free and open market for binary broad-based index options and binary MGTN options.<sup>104</sup> The Commission expects that the Exchange will monitor trading in binary broad-based index options and binary MGTN options for the purpose of discovering and sanctioning manipulative acts and practices and protecting investors, and will reassess whether the proposed position limits, including their per-expiration application, remain appropriate in light of its findings.

The Amended Proposal also would permit both A.M.- and P.M.-settlement for binary broad-based index options and binary MGTN index options.<sup>105</sup> This does not raise novel regulatory concerns.<sup>106</sup> The Amended Proposal's allowance of A.M.- or P.M.-settlement for binary MGTN options would be consistent with the availability of both

A.M.- and P.M.-settlement for traditional MGTN options.<sup>107</sup> The Amended Proposal's allowance of A.M.- or P.M.-settlement for binary broad-based index options would permit the Exchange to list P.M.-settled binary VIX options and A.M.-settled binary OEX options (although it does not list binary VIX and OEX options currently), notwithstanding that traditional VIX options are only A.M.-settled and traditional OEX options are only P.M.-settled.<sup>108</sup> Traditional VIX options are only A.M.-settled due to the calculation of their settlement value as a special opening quotation pursuant to a modified opening auction process on exercise settlement value determination days, but the settlement value for binary VIX options (if listed by the Exchange) would not be calculated based on a special opening quotation.<sup>109</sup> Traditional OEX options are P.M.-settled largely because their listing on the Exchange predates the Exchange's adoption of listing rules for traditional index options.<sup>110</sup> The settlement values for binary options on these broad-based indexes, if listed by the Exchange, would be calculated consistent with the current rules for all other binary index options, *i.e.*, based on the reported opening or closing level of the underlying index.<sup>111</sup> Moreover, permitting A.M.- or P.M.-settlement for binary broad-based index options and binary MGTN options would allow investors to trade binary index options in a manner more aligned with specific timing needs and more effectively tailor their investment and hedging strategies, including incorporating daily changes in the market, which may reduce the premium cost of buying binary index options.<sup>112</sup>

Importantly, the potential risks that would be posed by Exchange trading of binary MGTN options, as well as the potential risks posed by the other aspects of the Amended Proposal relating to position limits and settlement, are mitigated by the Exchange's surveillance mechanisms, consistent with Sections 6(b)(1) and 6(b)(5) of the Act.<sup>113</sup> The Exchange represents that its existing surveillance program for options is adequate and that it would apply the same program procedures to binary options (which include binary broad-based index options and binary MGTN options) that the Exchange applies to its other option products.<sup>114</sup> Additionally, the Exchange is a member of ISG, whose members work together to coordinate surveillance and investigative information sharing in the stock, options, and futures markets.<sup>115</sup> The Exchange also has a Regulatory Services Agreement with FINRA for certain market surveillance, investigation, and examinations functions.<sup>116</sup> Further, pursuant to a multi-party Rule 17d-2 joint plan, all options exchanges allocate amongst themselves and FINRA responsibilities to conduct certain options-related market surveillance that are common to rules of all options exchanges.<sup>117</sup> The

index for a sustained window is orders of magnitude more expensive than moving Bitcoin on one exchange for ten seconds." Comment Letter at 2-3. The commenters suggest that the Commission address specific issues here, some of which relate to the Exchange's original, broader proposal. As discussed in this order, Amendment No. 1 narrows the scope of the proposal to permit the Exchange to list binary options only on the MGTN index, and the binary MGTN options and binary broad-based index options covered by the Amended Proposal are based on deeply liquid indexes. The commenters also suggest that the Commission address binary option position limits, expiration, and surveillance. As discussed in this order, the binary index options covered by the Amended Proposal would be subject to position limits that are specific to binary index options and would be subject to cross-market surveillance. They also would not be permitted to be listed with less-than-daily time horizons (*see* proposed Rule 4.72(b)).

<sup>113</sup> 15 U.S.C. 78f(b)(1), 78f(b)(5). In addition, the Exchange represents that it has the necessary systems capacity to handle any potential additional message traffic associated with the listing of binary options on indexes, including non-broad-based indexes, and that it has confirmed that OPRA has the necessary systems capacity to handle the additional traffic associated with the listing of new options that would result from this proposed rule change. The Exchange states that it does not believe Trading Permit Holders will experience any capacity issues as a result of this proposal and represents that it will monitor the trading volume associated with binary options and the effect, if any, of binary options on market fragmentation and the capacity of the Exchange's automated system. *See supra* Section III.

<sup>114</sup> *See supra* Section III.

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*

<sup>103</sup> *Id.* In a similar vein, the Exchange would not subject binary index options to exercise limits, as they are intended to prevent a single investor from exercising a number of option contracts that could potentially manipulate the value of the underlying and investors have no discretion regarding whether to exercise their binary index options due to their automatic exercise at expiration. *Id.*; *see also* proposed Rule 6.20(g).

<sup>104</sup> Additionally with respect to position limits, the Amended Proposal would revise Rule 8.36(f) to replace the current exemption from position limits for certain hedged or covered binary option positions with a limit for such positions that is equal to five times the limit otherwise applicable under proposed Rules 8.36(a) or 8.36(b). *See* proposed Rule 8.36(f). This more restrictive proposed limit for such positions is consistent with the prevention of fraudulent and manipulative practices and the protection of investors and the public interest. It also sets forth an appropriate balancing of those requirements with a recognition that the hedged or covered positions set forth in the rule are characteristic of bona fide activity that is intended to manage risk exposure.

<sup>105</sup> *See* proposed Rule 4.72(a). Under the Exchange's current rules, binary options on broad-based indexes for which traditional options on the same broad-based index are A.M.-settled must be A.M.-settled, and binary options on broad-based indexes for which traditional options on the same broad-based index are P.M.-settled must be P.M.-settled. *See* Rule 4.16(c)(2).

<sup>106</sup> In connection with this proposed rule change, the Amended Proposal would amend Rule 5.1 to specify that, on their last trading day, regular trading hours for binary index options that are P.M.-settled would be 9:30 a.m. to 4:00 p.m. This is consistent with how the Exchange handles traditional index options that are P.M.-settled. *See supra* Section III.

<sup>107</sup> *See* Rules 4.13(a)(4), 4.13(e), and Int. and Pol. 13 to Rule 4.13.

<sup>108</sup> *See supra* Section III.

<sup>109</sup> *Id.*

<sup>110</sup> *Id.*

<sup>111</sup> *Id.*; *see also* Rule 4.16(b).

<sup>112</sup> *See supra* Section III. The Commission received one comment on the proposal. *See* Letter to the Commission from David Dai and Ruizhe Jia of Stanford University and Shihao Yu of Singapore Management University, dated July 11, 2026 ("Comment Letter"). The commenters summarize their research focusing on the manipulation susceptibility of five-minute Bitcoin "up or down" contracts that are traded elsewhere than a Commission-regulated national securities exchange. The commenters explicitly do not oppose the Exchange's proposal, and do not suggest that there is a heightened potential for manipulation presented by the binary MGTN options set forth in the Amended Proposal or the other proposed changes in the Amended Proposal regarding the position limits and timing of settlement for binary broad-based index options traded on the Exchange. The commenters also explicitly acknowledge that the setting for their study differs from the Exchange's proposal, and that "moving a deep

Exchange further represents that it will implement any new surveillance procedures it deems necessary to effectively monitor the trading of MGTN options as well as A.M.-settled binary OEX options and P.M.-settled binary VIX options, to the extent the Exchange lists those or any other binary index options for trading, including to address the potential increased susceptibility of binary options to manipulation, particularly when they are near-the-money and near expiration given the fixed payout structure of binary options.<sup>118</sup>

For the foregoing reasons, the Commission finds that the Amended Proposal is consistent with Sections 6(b)(1) and 6(b)(5) of the Act<sup>119</sup> and the rules and regulations thereunder applicable to a national securities exchange.

#### **V. Solicitation of Comments on Amendment No. 1 to the Proposed Rule Change**

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment No. 1 is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-CBOE-2026-032 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-CBOE-2026-032. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer

to file number SR-CBOE-2026-032 and should be submitted on or before August 12, 2026.

#### **VI. Accelerated Approval of the Proposed Rule Change, as Modified and Superseded by Amendment No. 1**

The Commission finds good cause to approve the Amended Proposal prior to the thirtieth day after the date of publication of notice of the filing of Amendment No. 1 in the **Federal Register**. The Initial Rule Filing proposed to permit the Exchange to list binary options on all indexes that are otherwise eligible for traditional, non-binary option trading on the Exchange, but Amendment No. 1 narrows its scope such that the Amended Proposal would permit the Exchange to list binary options only on the MGTN index. The Amended Proposal also provides additional support for the proposed position limits that would apply to binary MGTN options as well as the Exchange's other proposed changes, including the Exchange's proposed application of position limits to binary broad-based index options and binary MGTN options on a per-expiration basis and the Exchange's proposal to allow both A.M.- and P.M.-settlement for such options. Amendment No. 1, without altering the purpose of the Initial Rule Filing, strengthens the Initial Rule Filing by providing additional clarity, support, and data, as explained above and set forth fully in Sections II and III above.

Amendment No. 1 raises no novel regulatory issues that have not previously been subject to comment, and the Commission finds that Amendment No. 1 is reasonably designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest; as well as enable the Exchange to carry out the purposes of the Act and enforce compliance by its members and their associated persons with the Act, Commission rules, and Exchange rules. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,<sup>120</sup> to approve the Amended Proposal on an accelerated basis prior to the 30th day after publication of notice of the filing of Amendment No. 1 in the **Federal Register**.

#### **VII. Conclusion**

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>121</sup> that the proposed rule change (SR-CBOE-2026-

032), as modified and superseded by Amendment No. 1, be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>122</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2026-14743 Filed 7-21-26; 8:45 am]

**BILLING CODE 8011-01-P**

## **SECURITIES AND EXCHANGE COMMISSION**

**[Investment Company Act Release No. 36256; File No. 812-15952]**

### **Herzfeld Credit Income Fund, et al.**

July 17, 2026.

**AGENCY:** Securities and Exchange Commission ("Commission" or "SEC").

**ACTION:** Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the "Act") and rule 17d-1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d-1 under the Act.

**SUMMARY OF APPLICATION:** Applicants request an order to permit certain business development companies ("BDCs") and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

**APPLICANTS:** Herzfeld Credit Income Fund, Inc., Thomas J. Herzfeld Advisors, Inc., and certain of their affiliated entities as described in Schedule A to the application.

**FILING DATES:** The application was filed on December 10, 2025 and amended on June 8, 2026 and July 1, 2026.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at [Secretaries-Office@sec.gov](mailto:Secretaries-Office@sec.gov) and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on August 11, 2026, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a

<sup>118</sup> *Id.*

<sup>119</sup> 15 U.S.C. 78f(b)(1), 78f(b)(5).

<sup>120</sup> 15 U.S.C. 78s(b)(2).

<sup>121</sup> *Id.*

<sup>122</sup> 17 CFR 200.30-3(a)(12).

certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov*.

**ADDRESSES:** The Commission: *Secretarys-Office@sec.gov*. Applicants: Thomas K. Morgan, Esq., General Counsel, Thomas J. Herzfeld Advisors, Inc., *tmorgan@herzfeld.com*; and Theodore D. Edwards, Esq., Troutman Pepper Locke LLP, *Theodore.Edwards@troutman.com*.

**FOR FURTHER INFORMATION CONTACT:** Kris Guidroz, Senior Counsel, or Thomas Ahmadifar, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

**SUPPLEMENTARY INFORMATION:** For Applicants' representations, legal analysis, and conditions, please refer to Applicants' first amended application, dated July 1, 2026, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at <https://www.sec.gov/search-filings>. You may also call the SEC's Office of Investor Education and Assistance at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

**Sherry R. Haywood,**  
*Assistant Secretary.*

[FR Doc. 2026–14742 Filed 7–21–26; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0810]

### Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 15c6–2

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (“PRA”) (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) is soliciting comments on the collection of information provided for in Rule 15c6–2 (17 CFR.

240.15c6–2) under the Securities Exchange Act of 1934 (“Exchange Act”) (15 U.S.C. 78a *et seq.*). The Commission will submit the collection of information to the Office of Management and Budget (“OMB”) for approval. The title of the information collection is “Rule 15c6–2.” An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Rule 15c6–2 was adopted as part of the final rules to shorten the standard settlement cycle for securities transactions from two business days after the transaction date to one business day following the transaction date. Certain provisions of Rule 15c6–2 contain “collection of information” requirements within the meaning of the PRA.<sup>1</sup> The requirements for this collection of information is mandatory for any broker or dealer (“broker-dealer”) engaging in the allocation, confirmation, or affirmation process with another party or parties to achieve settlement of a securities transaction that is subject to the requirements of § 240.15c6–1(a) to either enter into written agreements as specified in the rule or establish, maintain, and enforce written policies and procedures reasonably designed to address certain objectives related to completing allocations, confirmations, and affirmations as soon as technologically practicable and no later than the end of trade date.<sup>2</sup>

Specifically, for a broker-dealer that determines to establish, maintain, and enforce written policies and procedures pursuant to Rule 15c6–2(a), Rule 15c6–2(b) requires that such policies and procedures must be reasonably designed to (1) identify and describe any technology systems, operations, and processes that the broker-dealer uses to coordinate with other relevant parties, including investment advisers and custodians, to ensure completion of the allocation, confirmation, or affirmation process for the transaction; (2) set target time frames on trade date for completing the allocation, confirmation, and affirmation for the transaction; (3) describe the procedures that the broker-dealer will follow to ensure the prompt communication of trade information, investigate any discrepancies in trade information, and adjust trade

information to help ensure that the allocation, confirmation, and affirmation can be completed by the target time frames on trade date; (4) describe how the broker-dealer plans to identify and address delays if another party, including an investment adviser or a custodian, is not promptly completing the allocation or affirmation for the transaction, or if the broker-dealer experiences delays in promptly completing the confirmation; and (5) measure, monitor, and document the rates of allocations, confirmations, and affirmations completed as soon as technologically practicable and no later than the end of the day on trade date.

The purpose of the collection under Rule 15c6–2 is to ensure that parties to institutional transactions—that is, transactions where a broker-dealer or its customer must engage with agents of the customer, including the customer's investment adviser or its securities custodian, to prepare a transaction for settlement—can ensure the completion of the allocation, confirmation, and affirmation process as soon as technologically practicable and no later than the end of the day on trade date.

The respondents to the collection of information are broker-dealers that are parties to institutional trades. As of June 2026, 3,253 broker-dealers were registered with the Commission.<sup>3</sup> Of those, approximately 145 broker-dealers are participants of the Depository Trust Company (“DTC”),<sup>4</sup> a clearing agency registered with the Commission that provides central securities depository services for transactions in U.S. equity securities. Participants in DTC can facilitate the settlement of securities transactions on behalf of their customers. For example, broker-dealers that participate in DTC are often referred to as “clearing brokers” within the securities industry. In addition to broker-dealers, DTC participants include bank custodians that may also hold securities on behalf of institutional customers. Among other things, DTC facilitates the settlement of securities transactions using the delivery-versus-payment (“DVP”) and receipt-versus-payment (“RVP”) methods, both of which are commonly used by buyers and sellers to settle an institutional transaction once the parties have completed the allocation, confirmation, and affirmation process. Because DTC is a clearing agency that provides central securities depository services for U.S.

<sup>1</sup> See 44 U.S.C. 3501 *et seq.*

<sup>2</sup> See 17 CFR 240.15c6–2; Exchange Act Release No. 96930 (Feb. 15, 2023) 88 FR 13872 (Mar. 6, 2023) (“Rule 15c6–2 Adopting Release”); see also Exchange Act Release No. 94196 (Feb. 9, 2022), 87 FR 10436 (Feb. 24, 2022) (“Rule 15c6–2 Proposing Release”).

<sup>3</sup> This estimate is derived from FOCUS Report data as of June 2026.

<sup>4</sup> See DTCC, DTC Member Directories, <https://www.dtcc.com/client-center/dtc-directories> (last updated May 29, 2026).

equities, the Commission believes that the set of participants at DTC that are broker-dealers are a useful, if partial, estimate of broker-dealers that participate in the allocation, confirmation, and affirmation process and therefore of broker-dealers that would be subject to the requirements of Rule 15c6–2.

In addition, other broker-dealers may participate in the allocation, confirmation, and affirmation process but, because they do not maintain status as a participant in DTC, rely on commercial relationships with DTC participants (*i.e.*, clearing brokers) to facilitate final settlement of their institutional transactions. Using annual statistics compiled by the Financial Industry Regulatory Authority (“FINRA”), the Commission estimates that approximately 251 additional broker-dealers may serve institutional customers.<sup>5</sup> Accordingly, the Commission estimates that approximately 396 broker-dealers would be subject to the requirements of Rule 15c6–2.

Rule 15c6–2 imposes both initial and ongoing burdens. A respondent broker-dealer who has not already incurred the initial burden when Rule 15c6–2 was adopted will incur a burden to comply with the collection of information under Rule 15c6–2 to the extent that the broker-dealer determines its policies and procedures, as opposed to its written agreements, will be used to comply with the rule and how any existing policies and procedures for ensuring timely settlement would need to be modified to address same-day affirmation. As a general matter, most broker-dealers maintain policies and procedures to ensure the timely settlement of their transactions, and the securities industry considers achieving “same-day affirmation” an industry best practice. Nonetheless, the Commission believes that these respondent broker-dealers will need to evaluate existing policies and procedures, identify any gaps, and then update their policies and procedures to address any gaps identified. Accordingly, the Commission estimates that these respondent broker-dealers would incur an aggregate one-time burden of approximately 240 hours<sup>6</sup> to create

policies and procedures required under the rule.

Rule 15c6–2 also imposes ongoing burdens on all respondent broker-dealer as follows: (i) ongoing monitoring and compliance activities with respect to the written policies and procedures required by the proposed rule; and (ii) ongoing documentation activities with respect to its obligations to measure, monitor, and document the rates of allocations, confirmations, and affirmations completed as soon as technologically practicable and no later than the end of the day on trade date. The Commission estimates that the ongoing activities required by Rule 15c6–2 would impose an aggregate annual burden on a respondent broker-dealer of 480 hours.<sup>7</sup>

The Commission estimates that of the 396 broker-dealer respondents, 36 broker-dealers would incur the initial burden,<sup>8</sup> and 396 broker-dealer respondents would incur the ongoing burden. This results in industry estimated burdens of 20,160 hours for respondents who will incur both the initial and ongoing burden and 172,800 hours for respondents who will incur only the ongoing burden, for a total estimated burden of 192,960.

Rule 15c6–2 imposes a recordkeeping requirement on broker-dealers to maintain policies and procedures consistent with the rule. Where the Commission requests that a broker-dealer produce records retained pursuant to the requirements of Rule 15c6–2, a broker-dealer can request confidential treatment of the information. If such confidential treatment request is made, the Commission anticipates that it will keep the information confidential subject to applicable law.

Pursuant to Exchange Act Rule 17a–4(b)(7), a broker or dealer registered pursuant to section 15 of the Exchange Act must preserve for a period of not less than three years, the first two years in an easily accessible place, all written agreements (or copies thereof) entered into by such member, broker or dealer relating to its business as such, including agreements with respect to any account.<sup>9</sup>

Pursuant to 17 CFR 240.17a–4(e)(7), a broker or dealer registered pursuant to

section 15 of the Exchange Act must maintain and preserve in an easily accessible place each compliance, supervisory, and procedures manual, including any updates, modifications, and revisions to the manual, describing the policies and practices of the member, broker or dealer with respect to compliance with applicable laws and rules, and supervision of the activities of each natural person associated with the member, broker or dealer until three years after the termination of the use of the manual.<sup>10</sup>

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission’s estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to [PaperworkReductionAct@sec.gov](mailto:PaperworkReductionAct@sec.gov) by September 21, 2026.

Dated: July 17, 2026.

**Sherry R. Haywood,**  
Assistant Secretary.

[FR Doc. 2026–14741 Filed 7–21–26; 8:45 am]

BILLING CODE 8011–01–P

## SMALL BUSINESS ADMINISTRATION

### Data Collection Available for Public Comments

**AGENCY:** U.S. Small Business Administration.

**ACTION:** 60 Day notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration’s (SBA) intentions to request approval for an extension or revision of an approved information collection. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB and to allow 60 days for public

<sup>5</sup> Specifically, statistics compiled by FINRA suggest that approximately 239 small firms and 12 medium-sized firms in the “Trading and Execution” category perform “Institutional Brokerage.” FINRA, 2026 FINRA Industry Snapshot at 49, 57 (2026), <https://www.finra.org/sites/default/files/2026-05/2026-Industry-Snapshot.pdf> (“2026 FINRA Industry Snapshot”).

<sup>6</sup> This figure was calculated as follows: (Lawyers for 140 hours + Risk Management Specialists for 100 hours) = 240 hours.

<sup>7</sup> This figure was calculated as follows: (Lawyers for 240 hours + Risk Management Specialists for 240 hours) = 480 hours.

<sup>8</sup> This estimate is based on the average of 3% rate per year of firm entrance of FINRA-registered firms. See 2026 FINRA Industry Snapshot, *supra* note 5, at 31.

<sup>9</sup> 17 CFR 240.17a–4(b)(7). The title of the information collection for 17 CFR 240.17a–4 is “Records to be Preserved by Broker-Dealers” (OMB Control No. 3235–0279).

<sup>10</sup> 17 CFR 240.17a–4(e)(7).

comment in response to the notice. This notice complies with that requirement.

**DATES:** Submit comments on or before September 21, 2026.

**ADDRESSES:** Send all comments to Paul Van Eyl, Director of Financial Policy, Office of Investment and Innovation, U.S. Small Business Administration at [oii.policy@sba.gov](mailto:oii.policy@sba.gov) or 409 3rd Street SW, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Paul Van Eyl, Director of Financial Policy, Office of Investment and Innovation, U.S. Small Business Administration, [oii.policy@sba.gov](mailto:oii.policy@sba.gov), 202–257–5955, or Shauniece Carter, Interim Agency Clearance Officer, U.S. Small Business Administration, [shauniece.carter@sba.gov](mailto:shauniece.carter@sba.gov), 202–205–6536.

**SUPPLEMENTARY INFORMATION:** The information collected on SBA Form 480, “Size Status Declaration” is a certification of small business size status for purposes of the Small Business Investment Company (SBIC) program. This information collection is used to determine whether SBIC financial assistance is provided only to small business concerns as defined in the Small Business Investment Act of 1958, as amended, and SBA size regulations. Without this certification, businesses that exceed SBA’s size standards could benefit from program resources meant for small businesses.

#### Solicitation of Public Comments

SBA invites the public to submit comments, including specific and detailed suggestions on ways to improve the collection and reduce the burden on respondents. Commenters should also address (i) whether the information collection is necessary for the proper performance of SBA’s functions, including whether it has any practical utility; (ii) the accuracy of the estimated burdens; (iii) ways to enhance the quality, utility, and clarity of the information to be collected; and (iv) the use of automated collection techniques or other forms of information technology to minimize the information collection burden on those who are required to respond.

*OMB Control Number:* 3245–0009.

*Title:* Size Status Declaration.

*Description of Respondents:* Small Business Investment Companies.

*Form Number:* Form 480.

*Estimated Annual Respondents:* 2,024.

*Estimated Annual Hour Burden:* 337.

**Shauniece Carter,**

*Interim Agency Clearance Officer.*

[FR Doc. 2026–14781 Filed 7–21–26; 8:45 am]

**BILLING CODE 8026–09–P**

#### SMALL BUSINESS ADMINISTRATION

##### Data Collection Available for Public Comments

**AGENCY:** U.S. Small Business Administration.

**ACTION:** 60 Day notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration’s (SBA) intentions to request approval for an extension or revision of an approved information collection. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

**DATES:** Submit comments on or before September 21, 2026.

**ADDRESSES:** Send all comments to Paul Van Eyl, Director of Financial Policy, Office of Investment and Innovation, U.S. Small Business Administration at [oii.policy@sba.gov](mailto:oii.policy@sba.gov) or 409 3rd Street SW, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Paul Van Eyl, Director of Financial Policy, Office of Investment and Innovation, U.S. Small Business Administration, [oii.policy@sba.gov](mailto:oii.policy@sba.gov), 202–257–5955, or Shauniece Carter, Interim Agency Clearance Officer, U.S. Small Business Administration, [shauniece.carter@sba.gov](mailto:shauniece.carter@sba.gov), 202–205–6536.

**SUPPLEMENTARY INFORMATION:** To obtain the information needed to carry out its program evaluation and oversight responsibilities, SBA requires Small Business Investment Companies (SBICs) to provide information on SBA Form 1031 each time financing is extended to a small business concern. SBA uses this information to evaluate how SBICs fill market financing gaps and contribute to economic growth, and to monitor the regulatory compliance of individual SBICs.

#### Solicitation of Public Comments

SBA invites the public to submit comments, including specific and detailed suggestions on ways to improve the collection and reduce the burden on respondents. Commenters should also address (i) whether the information collection is necessary for the proper performance of SBA’s functions, including whether it has any practical utility; (ii) the accuracy of the estimated burdens; (iii) ways to enhance the quality, utility, and clarity of the information to be collected; and (iv) the

use of automated collection techniques or other forms of information technology to minimize the information collection burden on those who are required to respond.

*OMB Control Number:* 3245–0078.

*Title:* Portfolio Financing Report.

*Description of Respondents:* Small Business Investment Companies.

*Form Number:* Form 1031.

*Estimated Annual Respondents:* 368.

*Estimated Annual Responses:* 2,755.

*Estimated Annual Hour Burden:* 2,755.

**Shauniece Carter,**

*Interim Agency Clearance Officer.*

[FR Doc. 2026–14783 Filed 7–21–26; 8:45 am]

**BILLING CODE 8026–09–P**

#### SMALL BUSINESS ADMINISTRATION

##### Data Collection Available for Public Comments

**AGENCY:** U.S. Small Business Administration.

**ACTION:** 60-day notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration’s (SBA) intentions to request approval for an extension or revision of an approved information collection. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

**DATES:** Submit comments on or before September 21, 2026.

**ADDRESSES:** Send all comments to Paul Van Eyl, Director of Financial Policy, Office of Investment and Innovation, U.S. Small Business Administration at [oii.policy@sba.gov](mailto:oii.policy@sba.gov) or 409 3rd Street SW, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Paul Van Eyl, Director of Financial Policy, Office of Investment and Innovation, U.S. Small Business Administration, [oii.policy@sba.gov](mailto:oii.policy@sba.gov), 202–257–5955, or Shauniece Carter, Interim Agency Clearance Officer, U.S. Small Business Administration, [shauniece.carter@sba.gov](mailto:shauniece.carter@sba.gov), 202–205–6536.

**SUPPLEMENTARY INFORMATION:** To obtain the information needed to carry out its oversight responsibilities under the Small Business Investment Act of 1958, as amended, the SBA requires Small Business Investment Companies (SBICs) to submit financial statements and

supplementary information on the SBA Form 468. SBA uses this information to monitor SBIC financial condition and regulatory compliance, for credit analysis when considering SBIC leverage applications, and to evaluate financial risk and economic impact for individual SBICs and the program as a whole.

#### Solicitation of Public Comments

SBA invites the public to submit comments, including specific and detailed suggestions on ways to improve the collection and reduce burden on respondents. Commenters should also address (i) whether the information collection is necessary for the proper performance of SBA's functions, including whether it has any practical utility; (ii) the accuracy of the estimated burdens; (iii) ways to enhance the quality, utility, and clarity of the information to be collected; and (iv) the use of automated collection techniques or other forms of information technology to minimize the information collection burden on those who are required to respond.

OMB Control Number: 3245-0063.

Title: SBIC Financial Reports.

Description of Respondents: Small Business Investment Companies and Small Businesses.

Form Number: Form 468.

Estimated Annual Respondents: 1,346.

Estimated Annual Hour Burden: 37,446.

Shauniece Carter,

Interim Agency Clearance Officer.

[FR Doc. 2026-14776 Filed 7-21-26; 8:45 am]

BILLING CODE 8026-09-P

#### DEPARTMENT OF STATE

[Public Notice: 13074]

#### Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Ten Kings of Hell: The Afterlife in Medieval Korea” Exhibition

**SUMMARY:** Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition “Ten Kings of Hell: The Afterlife in Medieval Korea” at The Cleveland Museum of Art, Cleveland, Ohio, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United

States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

#### FOR FURTHER INFORMATION CONTACT:

Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; e mail: [section2459@state.gov](mailto:section2459@state.gov)). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA-5), Suite 5H03, Washington, DC 20522-0505.

**SUPPLEMENTARY INFORMATION:** The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Sherry C. Keneson-Hall,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2026-14824 Filed 7-21-26; 8:45 am]

BILLING CODE 4710-05-P

#### SURFACE TRANSPORTATION BOARD

[Docket No. EP 519 (Sub-No. 4)]

#### Notice of National Grain Car Council Meeting

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of National Grain Car Council meeting.

**SUMMARY:** Notice is hereby given of a meeting of the National Grain Car Council (NGCC), pursuant to the Federal Advisory Committee Act.

**DATES:** The meeting will be held on Tuesday, August 25, 2026, beginning at 1:00 p.m. (CDT), and is expected to conclude at 5:00 p.m. (CDT).

**ADDRESSES:** The meeting will be held at the InterContinental Kansas City at the Plaza, 401 Ward Pkwy., Kansas City, MO 64112. Phone: (816) 756-1500.

**Virtual Meeting Access:** To register for the virtual broadcast via Zoom, go to the following link: [https://us02web.zoom.us/join/8nqsp\\_itR4afgv1FbvtqA](https://us02web.zoom.us/join/8nqsp_itR4afgv1FbvtqA).

Upon registration, you will receive a confirmation email with log-on details. Registration is available at any time prior to or during the meeting.

#### FOR FURTHER INFORMATION CONTACT:

Jeremy Lutes at (202) 900-5226 or [jeremy.lutes@stb.gov](mailto:jeremy.lutes@stb.gov).

**SUPPLEMENTARY INFORMATION:** The NGCC was established by the Interstate Commerce Commission (ICC) as a working group to facilitate private-sector solutions and provide recommendations to the ICC (and now the Surface Transportation Board (Board)) on matters affecting rail grain car availability and transportation. *Nat'l Grain Car Supply—Conference of Interested Parties*, EP 519 (ICC served Jan. 7, 1994).

The general purpose of this meeting is to discuss rail carrier preparedness to transport the 2026 grain harvest. Agenda items include the following: remarks by NGCC Chair Justin Cauley, Board Chairman Patrick J. Fuchs, Board Vice Chairman and NGCC Co-Chair Michelle A. Schultz, and Board Members Richard J. Kloster and Karen J. Hedlund; reports by member groups on expectations for the upcoming harvest, domestic and foreign markets, the supply of rail cars, and rail service; and market and industry updates. The full agenda will be posted on the Board's website at [www.stb.gov/resources/stakeholder-committees/grain-car-council](http://www.stb.gov/resources/stakeholder-committees/grain-car-council).

The meeting will be conducted pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 10; Federal Advisory Committee Management, 41 CFR pt. 102-3; the NGCC charter; and Board procedures.

If you require an accommodation under the Americans with Disabilities Act for this meeting, please call (202) 245-0308 by August 19, 2026.

**Public Attendance:** This meeting is open to the public in-person on a space-available, first come first served basis. The meeting also is open to the public via Zoom, but members of the public who wish to attend this meeting virtually via Zoom must register in advance of the meeting.

**Public Comments:** Members of the public may submit written comments to the NGCC at any time. Comments should be addressed to Jeremy Lutes, Designated Federal Officer for the NGCC, at [jeremy.lutes@stb.gov](mailto:jeremy.lutes@stb.gov). Any further communications about this meeting will be announced through the Board's website, [www.stb.gov](http://www.stb.gov).

**Council Membership:** Organizations wishing to represent their industry or stakeholder group (*i.e.*, Class II/III railroad, equipment providers/lessors, shippers, receivers, etc.) may nominate a candidate to serve on the Committee. The nominee should be an executive-level employee of the nominating organization and should have extensive

experience in the transportation of grain. Communications to nominate, to inquire as to the status of an active nomination, or to request further information should be addressed to Jeremy Lutes, Designated Federal Officer for the NGCC, at [jeremy.lutes@stb.gov](mailto:jeremy.lutes@stb.gov). When nominating a candidate, please include an attached professional resume detailing the relevant experience of the nominee.

Decided:

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

**Kenyatta Clay,**  
Clearance Clerk.

[FR Doc. 2026–14772 Filed 7–21–26; 8:45 am]

BILLING CODE 4915–01–P

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36896]

### **PNGT Rail, LLC—Acquisition Exemption—Rail Line of Franklin Storage, LP at WCN Drive Transload Facility, Chambersburg, PA.**

PNGT Rail, LLC (PNGT), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Colby Nitterhouse (Nitterhouse), on behalf of Franklin Storage, LP (Franklin Storage), and operate approximately 2,200 feet (0.42 miles) of existing rail line at a transload facility owned by PNGT, LP, and leased by Franklin Storage, located at 2633 WCN Drive in Chambersburg, PA. (the Line).<sup>1</sup> PNGT states that the Line is not described by milepost numbers.

This transaction is related to a verified notice of exemption in *Nitterhouse—Continuance in Control Exemption—NPJ Rail, LLC; PNGT Rail, LLC; & WCN Rail, LLC*, Docket No. FD 36923, in which Nitterhouse seeks authority to continue in control of PNGT; NPJ Rail, LLC; and WCN Rail, LLC upon their becoming Class III rail carriers.

<sup>1</sup> PNGT originally filed its notice of exemption on December 15, 2025; however, the notice contained numerous errors and omissions, including missing the required verification. See 49 CFR 1150.32. On January 13, 2026, PNGT submitted a supplement to its notice, which included a verification. The filing date for that supplement is January 14, 2026, the date when PNGT provided a certificate of service as required by 49 CFR 1104.12. Also on January 13, 2026, the Board issued a decision directing PNGT to supplement its notice of exemption to correct certain errors and omissions, to the extent it had not already done so, and postponing the effective date of the notice until further order of the Board. After several intervening orders in this docket, in a decision served on July 2, 2026, the Board directed counsel for PNGT to clarify his address, which he did in a filing received on July 6, 2026. Accordingly, the date of PNGT's most recent supplement, July 6, 2026, is deemed the filing date of PNGT's verified notice.

According to the verified notice, the Line is used in conjunction with interchanging centerbeams, flat cars, and boxcar loads of bulk commodities (*i.e.*, cardboard, lumber, and paper and related materials) to and from Norfolk Southern Railway. The verified notice states that an operating agreement between Nitterhouse, on behalf of Franklin Storage, and PNGT concerning the Line has been executed.

PNGT certifies that its projected annual revenues will not exceed those that would qualify it as a Class III rail carrier. PNGT also certifies that the transaction does not involve a provision or agreement that would prohibit or limit future interchange with a third-party connecting carrier.

The earliest this transaction may be consummated is August 5, 2026, the effective date of the exemption (30 days after the verified notice of exemption is deemed to have been filed). If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than July 29, 2026 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36896, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on PNGT's representative, Max Callahan, Fulcrum Rail, 141 West Jackson Boulevard, Suite 1795, Chicago, IL 60604.

According to PNGT, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: July 17, 2026.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

**Regena Smith-Bernard,**  
Clearance Clerk.

[FR Doc. 2026–14754 Filed 7–21–26; 8:45 am]

BILLING CODE 4915–01–P

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36897]

### **WCN Rail, LLC—Acquisition Exemption—Rail Line of Franklin Storage, LP at Kriner Road Transload Facility, Chambersburg, PA**

WCN Rail, LLC (WCN), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Colby Nitterhouse (Nitterhouse), on behalf of Franklin Storage, LP (Franklin Storage), and operate approximately 2,220 feet (0.42 miles) of existing rail line at a transload facility owned by WCN Properties, LP, and leased by Franklin Storage, located at 900 Kriner Road, in Chambersburg, PA (the Line).<sup>1</sup> WCN states that the Line is not described by milepost numbers.

This transaction is related to a verified notice of exemption in *Nitterhouse—Continuance in Control Exemption—NPJ Rail, LLC; PNGT Rail, LLC; & WCN Rail, LLC*, Docket No. FD 36923, in which Nitterhouse seeks authority to continue in control of WCN; NPJ Rail, LLC; and PNGT Rail, LLC upon their becoming Class III rail carriers.

According to the verified notice, the Line is used in conjunction with interchanging boxcar, centerbeam, and flatcar loads of bulk commodities (*i.e.*, paper, pulp, drywall, and food products) to and from CSX Transportation, Inc. The verified notice states that an operating agreement between Nitterhouse, on behalf of Franklin Storage, and WCN concerning the Line has been executed.

WCN certifies that its projected annual revenues will not exceed those that would qualify it as a Class III rail carrier. WCN also certifies that the transaction does not involve a provision or agreement that would prohibit or limit future interchange with a third-party connecting carrier.

<sup>1</sup> WCN originally filed its notice of exemption on December 18, 2025; however, the notice contained numerous errors and omissions, including missing the required verification. See 49 CFR 1150.32. On January 13, 2026, WCN submitted a supplement to its notice, which included a verification. The filing date for that supplement is January 14, 2026, the date when WCN provided a certificate of service as required by 49 CFR 1104.12. Also on January 13, 2026, the Board issued a decision directing WCN to supplement its notice of exemption to correct certain errors and omissions, to the extent it had not already done so, and postponing the effective date of the notice until further order of the Board. After several intervening orders in this docket, in a decision served on July 2, 2026, the Board directed counsel for WCN to clarify his address, which he did in a filing received on July 6, 2026. Accordingly, the date of WCN's most recent supplement, July 6, 2026, is deemed the filing date of WCN's verified notice.

The earliest this transaction may be consummated is August 5, 2026, the effective date of the exemption (30 days after the verified notice of exemption is deemed to have been filed). If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than July 29, 2026 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36897, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on WCN's representative, Max Callahan, Fulcrum Rail, 141 West Jackson Boulevard, Suite 1795, Chicago, IL 60604.

According to WCN, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: July 17, 2026.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

**Stefan Rice,**  
Clearance Clerk.

[FR Doc. 2026-14755 Filed 7-21-26; 8:45 am]

BILLING CODE 4915-01-P

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36895]

### NPJ Rail, LLC—Acquisition Exemption—Rail Line of Franklin Storage, LP at Guilford Springs Road Transload Facility, Chambersburg, PA

NPJ Rail, LLC (NPJ), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Colby Nitterhouse (Nitterhouse), on behalf of Franklin Storage, LP (Franklin Storage), and operate approximately 1,800 feet (0.34 miles) of existing rail line at a transload facility owned by NPJ Properties, LP, and leased by Franklin Storage, located at 2999 Guilford Springs Road in Chambersburg, PA (the Line).<sup>1</sup> NPJ states that the Line is not described by milepost numbers.

<sup>1</sup> NPJ originally filed its notice of exemption on December 15, 2025; however, the notice contained

This transaction is related to a verified notice of exemption in *Nitterhouse—Continuance in Control Exemption—NPJ Rail, LLC; PNGT Rail, LLC; & WCN Rail, LLC*, Docket No. FD 36923, in which Nitterhouse seeks authority to continue in control of NPJ; PNGT Rail, LLC; and WCN Rail, LLC upon their becoming Class III rail carriers.

According to the verified notice, the Line is used in conjunction with interchanging hoppers, boxcars, and centerbeam bulk commodities (*i.e.*, lumber, aggregate, particleboard, and copy paper) to and from Norfolk Southern Railway. The verified notice states that an operating agreement between Nitterhouse, on behalf of Franklin Storage, and NPJ concerning the Line has been executed.

NPJ certifies that its projected annual revenues will not exceed those that would qualify it as a Class III rail carrier. NPJ also certifies that the transaction does not involve a provision or agreement that would prohibit or limit future interchange with a third-party connecting carrier.

The earliest this transaction may be consummated is August 5, 2026, the effective date of the exemption (30 days after the verified notice of exemption is deemed to have been filed). If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than July 29, 2026 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36895, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must

numerous errors and omissions, including missing the required verification. See 49 CFR 1150.32. On January 13, 2026, NPJ submitted a supplement to its notice, which included a verification. The filing date for that supplement is January 14, 2026, the date when NPJ provided a certificate of service as required by 49 CFR 1104.12. Also on January 13, 2026, the Board issued a decision directing NPJ to supplement its notice of exemption to correct certain errors and omissions, to the extent it had not already done so, and postponing the effective date of the notice until further order of the Board. After several intervening orders in this docket, in a decision served on July 2, 2026, the Board directed counsel for NPJ to clarify his address, which he did in a filing received on July 6, 2026. Accordingly, the date of NPJ's most recent supplement, July 6, 2026, is deemed the filing date of NPJ's verified notice.

be served on NPJ's representative, Max Callahan, Fulcrum Rail, 141 West Jackson Boulevard, Suite 1795, Chicago, IL 60604.

According to NPJ, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: July 17, 2026.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

**Aretha Laws-Byrum,**  
Clearance Clerk.

[FR Doc. 2026-14756 Filed 7-21-26; 8:45 am]

BILLING CODE 4915-01-P

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36923]

### Colby Nitterhouse—Continuance in Control Exemption—NPJ Rail, LLC; PNGT Rail, LLC; and WCN Rail, LLC

Colby Nitterhouse (Nitterhouse), a non-carrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of NPJ Rail, LLC (NPJ); PNGT Rail, LLC (PNGT); and WCN Rail, LLC (WCN) upon their becoming Class III rail carriers.<sup>1</sup> Nitterhouse currently does not control any carriers.<sup>2</sup>

<sup>1</sup> Nitterhouse originally filed its verified notice on April 27, 2026, seeking to continue in control of NPJ, PNGT, WCN, and AJAK Rail, LLC (AJAK), upon their becoming rail carriers. By order served May 26, 2026, Nitterhouse was directed to supplement the verified notice, and the effective date of the exemption was postponed pending further order of the Board. In a letter filed on June 3, 2026, Nitterhouse and AJAK informed the Board that AJAK does not presently intend to pursue the acquisition authority it sought in Docket No. FD 36894 and that Nitterhouse would amend the verified notice filed in this docket to reflect that change. On June 5, 2026, Nitterhouse filed an amended verified notice. The docket caption has been revised to reflect the removal of AJAK. In a decision served on July 2, 2026, the Board directed counsel for NPJ, PNGT, WCN, and Nitterhouse to clarify his address, which he did in a filing received on July 6, 2026. Accordingly, the date of Nitterhouse's most recent supplement, July 6, 2026, is deemed the filing date of the verified notice.

<sup>2</sup> Under 49 U.S.C. 11323, Board authority is required for acquisition of control of a rail carrier by a person that is not a rail carrier but that controls any number of rail carriers. 49 U.S.C. 11323(a)(5). A noncarrier like Nitterhouse, on the other hand, generally does not require Board authority to control its first carrier. See *Williams—Control Exemption—S&S Shortline Leasing, LLC*, FD 36460 et al., slip op. at 3-4 (STB served Jan. 26, 2021). However, because it is not clear which carrier Nitterhouse will acquire first, continuance in control authority is required for each of them. See *AJAK Rail, LLC—Acquis. Exemption—Rail Line of Franklin Storage, LP at Advantage Ave. Transload Facility, Chambersburg, PA*, FD 36894 et al., slip op. at 3 n.6 (STB served Mar. 27, 2026).

These transactions are related to verified notices of exemption filed in: (1) *NPJ Rail, LLC—Acquisition Exemption—Rail Line of Franklin Storage, LP at Guilford Springs Road Transload Facility, Chambersburg, PA*, Docket No. FD 36895, in which NPJ seeks to acquire from Nitterhouse, on behalf of Franklin Storage, LP (Franklin Storage), and operate approximately 1,800 feet (0.34 miles) of rail line located at a transloading facility owned by NPJ Properties, LP, and leased by Franklin Storage, in Chambersburg, PA; (2) *PNGT Rail, LLC—Acquisition Exemption—Rail Line of Franklin Storage, LP at WCN Drive Transload Facility, Chambersburg, PA*, Docket No. FD 36896, in which PNGT seeks to acquire from Nitterhouse, on behalf of Franklin Storage, and operate approximately 2,200 feet (0.42 miles) of rail line at a transloading facility owned by PNGT, LP, and leased by Franklin Storage, in Chambersburg, PA; and (3) *WCN Rail, LLC—Acquisition Exemption—Rail Line of Franklin Storage, LP at Kriner Road Transload Facility, Chambersburg, PA*, Docket No. FD 36897, in which WCN seeks to acquire from Nitterhouse, on behalf of Franklin Storage, and operate approximately 2,220 feet (0.42 miles) of rail line at a transloading facility owned by WCN Properties, LP, and leased by Franklin Storage, in Chambersburg, PA.<sup>3</sup> Nitterhouse represents that: (1) the railroads to be operated by NPJ, PNGT, and WCN do not connect with each other or with any of the railroads in Nitterhouse's corporate family; (2) the control of NPJ, PNGT, and WCN is not part of a series of anticipated transactions that would connect the railroads; and (3) the transactions do not involve a Class I rail carrier. The proposed transactions are therefore exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

The earliest these transactions may be consummated is August 5, 2026, the effective date of the exemption (30 days after the verified notice of exemption is deemed to have been filed).

<sup>3</sup> NPJ, PNGT, WCN each verified their notices by supplements filed in their respective dockets on January 14, 2026.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 49 U.S.C. 11324 and 11325 that involve only Class III rail carriers. Accordingly, because these transactions involve Class III rail carriers only, the Board may not impose labor protective conditions here.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than July 29, 2026 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36923, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Nitterhouse's representative, Max Callahan, Fulcrum Rail, 141 West Jackson Boulevard, Suite 1795, Chicago, IL 60604.

According to Nitterhouse, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: July 17, 2026.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

**Kenyatta Clay,**

*Clearance Clerk.*

[FR Doc. 2026-14758 Filed 7-21-26; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Notice of OFAC Sanctions Action

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) has removed from OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) the names of certain persons whose property and interests in property had been blocked pursuant to Hong Kong sanctions authorities. Additionally, OFAC has transferred names of persons who remain sanctioned under the Hong Kong Autonomy Act, Public Law 116-149 (HKAA), from the SDN List to the Non-SDN Menu Based Sanctions List (NS-MBS List).

**DATES:** This action was issued on July 17, 2026. See **SUPPLEMENTARY INFORMATION** for relevant dates.

#### FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, 202-622-2420; Assistant Director for Licensing, 202-622-2480; Assistant Director for Sanctions Compliance, 202-622-2490 or <https://ofac.treasury.gov/contact-ofac>.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Availability

The SDN List, NS-MBS List, and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov>.

##### Notice of OFAC Actions

A. The national emergency declared in Executive Order (E.O.) 13936 of July 14, 2020, "The President's Executive Order on Hong Kong Normalization," with respect to Hong Kong, was not continued in effect beyond July 14, 2026. Accordingly, the persons listed below, whose property had been blocked solely pursuant to the International Emergency Economic Powers Act (IEEPA), have been removed from the SDN List, and their property and interests in property subject to U.S. jurisdiction are no longer blocked.

**BILLING CODE 4810-AL-P**

##### Individuals

1. AU, Sonny Chi Kwong (a.k.a. AU, Chi Kwong (Chinese Traditional: 區志光); a.k.a. AU, Chi Kwong Sonny; a.k.a. OU, Zhiguang (Chinese Simplified: 区志光)), Hong Kong, China; DOB 16 Aug 1961; nationality China; citizen China; Gender Male (individual) [HK-EO13936].
2. CHIU, Margaret Wing Lan (a.k.a. CHIU, Wing Lan (Chinese Simplified: 赵咏兰; Chinese Traditional: 趙詠蘭)), No. 20, 3rd Street, Section D, Fairview Park, Yuen Long, Hong Kong, China; DOB 22 Aug 1974; POB Hong Kong, China; nationality China; Gender Female; Passport KJ0760266 (China) issued 17 Jan 2019 expires 17 Jan 2029; National ID No. K3117588 (China) (individual) [HK-EO13936].
3. DONG, Jingwei (Chinese Traditional: 董經緯; Chinese Simplified: 董经纬), Hong Kong, China; DOB Nov 1963; nationality China; citizen China; Gender Male (individual) [HK-EO13936].
4. LAM, Paul Ting Kwok (a.k.a. LAM, Ting Kwok (Chinese Traditional: 林定國); a.k.a. LAM, Ting Kwok Paul; a.k.a. LIN, Dingguo (Chinese Simplified: 林定国)), Hong Kong, China; DOB 26 Mar 1968; POB Hong Kong, China; nationality China; citizen China; Gender Male; Passport 610884285 (China); National ID No. 265113530948 (China) (individual) [IHK-EO13936].
5. LO, Stephen (a.k.a. LO, Stephen Wai-chung; a.k.a. LO, Wai-chung (Chinese Traditional: 盧偉聰; Chinese Simplified: 卢伟聪)), Hong Kong; DOB 19 Nov 1961; POB Hong Kong; nationality Hong Kong; Gender Male; National ID No. E8586768 (Hong Kong) (individual) [HK-EO13936].
6. QIU, Hong (Chinese Simplified: 仇鸿; Chinese Traditional: 仇鴻), Hong Kong; DOB Mar 1961; POB Jiangsu Province, China; citizen China; Gender Female (individual) [HK-EO13936].
7. SIU, Raymond Chak Yee (a.k.a. SIU, Chak Yee (Chinese Traditional: 蕭澤頤); a.k.a. SIU, Chak Yee Raymond; a.k.a. XIAO, Zeyi (Chinese Simplified: 萧泽颐)), Hong Kong, China; DOB 02 Apr 1966; POB Hong Kong, China; nationality China; citizen China; Gender Male; Passport 610338855 (China); National ID No. 561834197328 (China) (individual) [HK-EO13936].
8. WONG, Dick Chung Chun (a.k.a. WONG, Chung Chun (Chinese Traditional: 王忠巡); a.k.a. WONG, Chung Chun Dick), Flat B, 29 Floor, Tower 3, The Riverpark, 8 Che Kung Miu Road, Shatin, Hong Kong, China; DOB 10 Oct 1973; POB Hong Kong, China; nationality Hong Kong; Gender Male; Passport K00021646 (China) issued 28 Feb 2007 expires 28 Feb 2017; National ID No. K212288A (China) (individual) [HK-EO13936].
9. YANG, Jianping (Chinese Simplified: 杨建平; Chinese Traditional: 楊建平), Hong Kong; DOB Dec 1959; POB Jingxing, Hebei Province, China; citizen China; Gender Male (individual) [HK-EO13936].

B. The following persons were previously designated by the U.S.

Department of State pursuant to E.O. 13936 and added to the SDN List.

Certain of these persons were included in a report submitted by the Secretary of

State under section 5(a) of the HKAA, and certain persons were included in reports submitted by the Secretary of State under section 5(e) of the HKAA, in 2020 and 2021. Section 5(a)(2) of the HKAA therefore requires these persons to be subject to the sanctions described in section 6(b) of the HKAA. In light of the termination of the national

emergency declared in E.O. 13936, the sanctions prohibitions authorized only by IEEPA have been terminated, while the sanctions prohibitions authorized and required by the HKAA are continuing. Accordingly, all property and interests in property of persons included in reports submitted under section 5(a) and section 5(e) of the

HKAA remain blocked, and all transactions with these persons are prohibited, except for the importation of goods. OFAC is therefore moving these persons from the SDN List to the NS-MBS List. The information below reflects the amended entries on the NS-MBS List.

**Individuals**

1. CAI, Dafeng (Chinese Simplified: 蔡达峰; Chinese Traditional: 蔡達峰), Beijing, China; DOB Jun 1960; POB Shanghai, China; citizen China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HKAA].
2. CAO, Jianming (Chinese Simplified: 曹建明; Chinese Traditional: 曹建明), Beijing, China; DOB 24 Sep 1955; POB Shanghai, China; citizen China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HKAA].
3. CHAN, Eric (a.k.a. CHAN, Eric Kwok-ki; a.k.a. CHAN, Kwok-ki (Chinese Simplified: 陈国基; Chinese Traditional: 陳國基)), Flat F, 20 Floor, Block 2, Royal Ascot, Shatin, Hong Kong; DOB 05 Apr 1959; POB Hong Kong; nationality Hong Kong; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; National ID No. G142458A (Hong Kong); Secretary General, Committee for Safeguarding National Security of the Hong Kong Special Administrative Region (individual) [HKAA].
4. CHEN, Dong (Chinese Simplified: 陈冬; Chinese Traditional: 陳冬), Hong Kong; DOB Nov 1963; alt. DOB Feb 1964; POB Luoyuan, Fuzhou, Fujian Province, China; citizen China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods. (individual) [HKAA].
5. CHEN, Zhu (Chinese Simplified: 陈竺; Chinese Traditional: 陳竺), Beijing, China; DOB 17 Aug 1953; POB Zhenjiang City, Jiangsu Province, China; alt. POB Shanghai, China; citizen China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149;

## HKAA Section 6 Information: BLOCKING OF PROPERTY.

Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HKAA].

6. CHENG, Teresa (a.k.a. CHENG, Teresa Yeuk-wah; a.k.a. CHENG, Yeuk Wah), House No. 4, Villa De Mer, 5 Lok Chui Street, Tuen Mun, Hong Kong; DOB 11 Nov 1958; POB Hong Kong; nationality Hong Kong; Gender Female; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Passport KJ0221326 (Hong Kong) issued 28 Jan 2012 expires 28 Jan 2022; National ID No. G579067A (Hong Kong); Secretary for Justice (individual) [HKAA].
7. CHOI, Frederic (a.k.a. CHOI, Chin-pang (Chinese Traditional: 蔡展鵬); a.k.a. CHOI, Frederic Chin Pang), Hong Kong; DOB 28 Aug 1970; POB Hong Kong; nationality Hong Kong; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Passport K05145380 (Hong Kong) expires 10 Nov 2025; National ID No. C6142328 (Hong Kong) (individual) [HKAA].
8. CHOLING, Padma (Chinese Simplified: 白玛赤林; Chinese Traditional: 白瑪赤林) (a.k.a. CHILIN, Baima; a.k.a. TRILEK, Pelma), Beijing, China; DOB Oct 1951; POB Dengqen County, Changdu, Tibet Autonomous Region, China; citizen China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HKAA].
9. DENG, Zhonghua (Chinese Simplified: 邓中华), China; DOB Sep 1961; POB Changsha City, Hunan Province, China; nationality China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods. (individual) [HKAA].

10. DING, Zhongli (Chinese Simplified: 丁仲礼; Chinese Traditional: 丁仲禮), Beijing, China; DOB Jan 1957; POB Shengzhou City, Zhejiang Province, China; citizen China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HKAA].
11. HAO, Mingjin (Chinese Traditional: 郝明金; Chinese Simplified: 郝明金), Beijing, China; DOB Dec 1956; POB Jiaxiang County, Shandong Province, China; citizen China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HKAA].
12. HE, Jing (Chinese Simplified: 何靖), Hong Kong; DOB Jun 1964; POB Zhanjiang, Guangdong Province, China; citizen China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods. (individual) [HKAA].
13. IMIRBAKI, Arken (Chinese Simplified: 艾力更·依明巴海; Chinese Traditional: 艾力更依明巴海) (a.k.a. YIMINGBAHAI, Ailigeng), Beijing, China; DOB Sep 1953; POB Yengisar County, Xinjiang Uyghur Autonomous Region, China; citizen China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HKAA].
14. JI, Bingxuan (Chinese Simplified: 吉炳轩; Chinese Traditional: 吉炳軒), Beijing, China; DOB Nov 1951; POB Mengjin County, Henan Province, China; citizen China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HKAA].

15. KAN, Andrew (a.k.a. KAN, Andrew Kai Yan; a.k.a. KAN, Kai Yan (Chinese Simplified: 简启恩)), Hong Kong; DOB 22 Sep 1969; POB Hong Kong; nationality Hong Kong; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Passport K03981162 (Hong Kong) expires 28 Mar 2024 (individual) [HKAA].
16. KONG, Kelvin (a.k.a. KONG, Hok Lai (Chinese Simplified: 江学礼); a.k.a. KONG, Kelvin Hok Lai), Hong Kong; DOB 22 May 1972; POB Hong Kong; nationality Hong Kong; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Passport K03327564 (Hong Kong) expires 14 May 2023; National ID No. K0278408 (Hong Kong) (individual) [HKAA].
17. LAM, Carrie (a.k.a. LAM CHENG, Carrie Yuet-ngor; a.k.a. LAM CHENG, Yuet-ngor (Chinese Simplified: 林郑月娥; Chinese Traditional: 林鄭月娥)), Victoria House, No. 15 Barker Road, The Peak, Hong Kong; DOB 13 May 1957; POB Hong Kong; nationality Hong Kong; Gender Female; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Passport KJ0505670 (Hong Kong) issued 13 Apr 2016 expires 13 Apr 2026; National ID No. D3356664 (Hong Kong); Chief Executive of the Hong Kong Special Administrative Region (individual) [HKAA].
18. LAU, Edwina (a.k.a. LAU, Chi Wai (Chinese Traditional: 劉賜蕙); a.k.a. LAU, Edwina Chi Wai; a.k.a. LIU, Cihui (Chinese Simplified: 刘赐蕙)), Hong Kong, China; DOB 29 Jul 1965; POB Hong Kong, China; nationality China; Gender Female; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Passport HA1338416 (Hong Kong) expires 27 May 2015; National ID No. D5545251 (Hong Kong) (individual) [HKAA].

19. LEE, John Ka-chiu (a.k.a. LEE, John; a.k.a. LEE, Ka Chiu (Chinese Traditional: 李家超); a.k.a. "LI, Jiachao"), Flat A, 5/F, Block 2, King's Park Villa, No. 1 King's Park Rise, Homantin, Kowloon, Hong Kong; DOB 07 Dec 1957; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; National ID No. G0286787 (Hong Kong); Secretary for Security (individual) [HKAA].
20. LI, Kwai-wah (Chinese Traditional: 李桂華) (a.k.a. LEE, Kwai-wah; a.k.a. LI, Guihua (Chinese Simplified: 李桂华); a.k.a. LI, Steve Kwai-wah), Flat B, 22 Floor, Block 30, Laguna City, Lam Tin, Kowloon City, Hong Kong, China; DOB 22 Nov 1964; POB Hong Kong, China; nationality China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Passport K06749109 (Hong Kong) expires 06 Sep 2028; National ID No. D4017081 (Hong Kong) (individual) [HKAA].
21. LI, Jiangzhou (Chinese Simplified: 李江舟), Hong Kong, China; DOB Jan 1968; POB Qianshan City, Anhui Province, China; nationality China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods. (individual) [HKAA].
22. LU, Xinning (Chinese Simplified: 卢新宁; Chinese Traditional: 盧新寧), Hong Kong; DOB Dec 1966; POB Huai'an, Jiangsu Province, China; citizen China; Gender Female; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods. (individual) [HKAA].
23. LUO, Huining (Chinese Simplified: 骆惠宁; Chinese Traditional: 駱惠寧), Hong Kong; DOB 05 Oct 1954; POB Dangtu, China; nationality China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited,

except for the importation of goods.; National ID No. 340103195410053558 (China); Director, Hong Kong Liaison Office (individual) [HKAA].

24. SHEN, Yueyue (Chinese Simplified: 沈跃跃; Chinese Traditional: 沈躍躍), Beijing, China; DOB Jan 1957; POB Ningbo, Zhejiang Province, China; citizen China; Gender Female; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; IIAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HKAA].
25. SUN, Wenqing (Chinese Simplified: 孙文清) (a.k.a. SUN, Qingye (Chinese Simplified: 孙青野)), Hong Kong; DOB 1965; POB Shijiazhuang City, Hebei Province, China; citizen China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods. (individual) [HKAA].
26. TAM, Yiu-chung (Chinese Simplified: 谭耀宗; Chinese Traditional: 譚耀宗) (a.k.a. TAN, Yaozong), China; Hong Kong; DOB 15 Dec 1949; POB Hong Kong; citizen China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; IIAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods. (individual) [HKAA].
27. TAN, Tieniu (Chinese Traditional: 譚鐵牛; Chinese Simplified: 譚铁牛), Hong Kong; DOB Oct 1963; alt. DOB 20 Jan 1964; POB Chaling County, Zhuzhou, Hunan Province, China; citizen China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods. (individual) [HKAA].
28. TANG, Chris (a.k.a. TANG, Ping-keung (Chinese Traditional: 鄧炳強)), 1 Arsenal Street, Hong Kong; DOB 04 Jul 1965; POB Hong Kong; nationality Hong Kong; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests

in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Passport KJ0638810 (Hong Kong) issued 14 Oct 2017 expires 14 Oct 2027; National ID No. D4118015 (Hong Kong); Commissioner of Police (individual) [HKAA].

29. TSANG, Erick (a.k.a. CENG, Guowei; a.k.a. TSANG, Erick Kwok-wai; a.k.a. TSANG, Kwok-wai (Chinese Traditional: 曾國衛; Chinese Simplified: 曾国卫); a.k.a. ZENG, Guowei), Flat 5F, Block 6, New Jade Gardens, Chaiwan, Hong Kong; DOB 01 Sep 1963; POB Hong Kong; nationality Hong Kong; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; National ID No. E9963190 (Hong Kong); Secretary for Constitutional and Mainland Affairs (individual) [HKAA].
30. WAN, Exiang (Chinese Simplified: 万鄂湘; Chinese Traditional: 萬鄂湘) (a.k.a. WANG, Exiang), Beijing, China; DOB May 1956; POB Gongan County, Hubei Province, China; citizen China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HKAA].
31. WANG, Dongming (Chinese Simplified: 王东明; Chinese Traditional: 王東明), Beijing, China; DOB Jul 1956; POB Benxi, Liaoning Province, China; citizen China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HKAA].
32. WANG, Chen (Chinese Simplified: 王晨; Chinese Traditional: 王晨), Beijing, China; DOB Dec 1950; POB Beijing, China; citizen China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HKAA].

33. WU, Weihua (Chinese Simplified: 武维华; Chinese Traditional: 武維華), Beijing, China; DOB 06 Sep 1956; POB Linfen, Shanxi Province, China; citizen China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HKAA].
34. XIA, Baolong (Chinese Simplified: 夏宝龙; Chinese Traditional: 夏寶龍), China; DOB 01 Dec 1952 to 31 Dec 1952; POB Tianjin, China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Director, Hong Kong and Macao Affairs Office of the State Council (individual) [HKAA].
35. YIN, Zonghua (Chinese Simplified: 尹宗华; Chinese Traditional: 尹宗華), Hong Kong; DOB Aug 1964; POB Shengzhou, Zhejiang Province, China; citizen China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods. (individual) [HKAA].
36. YOU, Quan (Chinese Simplified: 尤权), Beijing, China; DOB Jan 1954; POB Lulong County, Hebei Province, China; nationality China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods. (individual) [HKAA].
37. ZHANG, Chunxian (Chinese Simplified: 张春贤; Chinese Traditional: 張春賢), Beijing, China; DOB May 1953; POB Yuzhou City, Henan Province, China; citizen China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HKAA].

38. ZHANG, Xiaoming (Chinese Simplified: 张晓明; Chinese Traditional: 張曉明), China; DOB 03 Sep 1963; POB Taizhou, China; nationality China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; National ID No. 11010819630903003X (China); Deputy Director, Hong Kong and Macao Affairs Office of the State Council (individual) [HKAA].
39. ZHENG, Yanxiong (Chinese Simplified: 郑雁雄; Chinese Traditional: 鄭雁雄), Apt 608, 50 Huali Road, Guangzhou, Guangdong 510623, China; DOB 25 Aug 1963; POB Shantou, China; nationality China; Gender Male; Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149; HKAA Section 6 Information: BLOCKING OF PROPERTY. Sec.6(b)(1)(A),(B),(C) - All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Passport SE0226769 (China) issued 10 Aug 2016 expires 10 Aug 2021; National ID No. 440111196308254212 (China); Director, Office for Safeguarding National Security in Hong Kong (individual) [HKAA].

(Authority: The Hong Kong Autonomy Act of 2020).

**Bradley T. Smith,**

*Director, Office of Foreign Assets Control.*

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